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1 State Maintenance of Bridges. Amend RSA 213:5 by striking out said section and inserting in place thereof the following:

231:5 Bridges. All bridges constructed or reconstructed with state bridge aid funds and which are located on class II highways shall be maintained by the state. The state shall take over, for the purpose of maintenance, construction and/or reconstruction, any bridge previously the responsibility of a city or town, which is located on a class II highway, provided said bridge has been used as a part of a class II highway for a period of twenty-five years or more, commencing July 1, 1975. All other bridges on class II highways shall be maintained by the city or town in which they are located, and may be constructed or reconstructed with the use of state bridge aid funds.

Amendment adopted. Ordered to third reading.

## SJR 12

reimbursing cities and towns for lost tax revenues and making an appropriation therefor. Inexpedient to legislate. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, we seem to have a consistent theory going through here, which is challenging my theory of consistency. SJR 12 was offered by Senator Johnson as a companion piece to SB 2 which was a bill that we passed earlier this session, removing the paying of property tax at age 70 and lowering the exemption from age 70 to age 65. The price tag on that was estimated at \$3.8 million dollars. Now SB 2 has yet to pass the House. There is no acknowledgement at this time that we are going to deprive the cities and towns of 3.8 million dollars in taxes. Hence, properly done, if SB 2 were to pass in the House, it should pass with an appropriation giving back to the cities and towns the requisite amount of money to recompense them.

We think the proper motion is to say that it is inexpedient to legislate which doesn't mean in the slightest that we don't think that reimbursement to cities and towns is a good thing. We have had a very good hearing and I think Sen. Johnson understood our thought that as a committee holding a joint resolution dealing with our bill and the SB that is in the House that we can't very well pass it in anticipation of something that the House is going to do. So that's the only reason that we are coming out with SJR 12 and I wonder what would have hap-

pened if SB 2 had come through the Senate with an appropriation of 3.8 million dollars back in February. So, hence, the motion is inexpedient to legislate.

Sen. JOHNSON: Senator, I realize the SB 2 is sitting in the House Committee, and I checked with the Chairman of the House Ways and Means Committee and he is planning to bring in HB 293 which he says is a somewhat less costly bill than SB 2. My question is, if that bill passes the House and passes the Senate is the Finance Committee prepared to offer an amendment to go along the lines of the thinking that went into SJR 12?

Sen. TROWBRIDGE: If the House passes a different form of bill on exemptions for the elderly and they compute a price tag for it, it will not only have to pass into the floor of the House but it will have to go before the House Appropriations committee. And if the House passes it over here then it's in front of the Senate for your disposition but it will have the price tag on it. I'm saying let's wait until we see what the price tag is for the bill if any that passes the House on exemptions. And at that point Senate Finance will consider anything.

Sen. JOHNSON: Do I take it then that the committee feels that the principle of reimbursing cities and town comes out of tax revenues?

Sen. TROWBRIDGE: Yes, indeed. What we've been saying today that we should try and get some of these burdens off the cities and towns and certainly don't take away their tax base and put more burdens on them. I think that's a consistent policy.

Sen. JOHNSON: Do I understand that you said that the House should find out how much this would cost and that it would be up to them to appropriate the money?

Sen. TROWBRIDGE: Yes, indeed.

Sen. JOHNSON: If they did not could we appropriate it here?

Sen. TROWBRIDGE: If it came without appropriations then it would mean that they didn't really want it.

Sen. JACOBSON: Sen. Trowbridge, following your logical analysis wouldn't it be natural if we pass this bill over and

say, look, we'll put our money where our mouth is and let them make a decision over there?

Sen. TROWBRIDGE: Well, if you want to have 3.8 million over there for something that they've yet to pass, fine. But I don't think that's the time to do it. I think you link these together. I think you link a bill with a strategy that says we are going to do this for the cities or towns or the elderly and it has a price tag. You don't have the price tag here and the other one over there.

Sen. JACOBSON: Accepting your logic on that question, you will recall on the record that I was uneasy about you doing that in the first place. Is it not better then that we at least correct it to the degree that we are willing to stand and say — look if we are going to do all these deductions which take away from the income and do not reduce the cost and shift the burden to someone else who may be equally unable to pay, why don't we say yes that we've come to the understanding that that is what we've got to do.

Sen. TROWBRIDGE: Well, if you are going to do that you see there are other options than SJR 12. For instance, let's say that you pass SB 2 and there is no appropriations to simply send a block grant of 3.8 million dollars back to every city and town to lower the tax rate on every single person in that jurisdiction. It may very well be that you would use that 3.8 million for other means.

Sen. JACOBSON: If I interpret your remarks correctly then your objection is not to put our money where our mouth is your objection is to the fact that it might be dissipated in other taxable incomes in the local community rather than directed specifically for the intended compensation.

Sen. TROWBRIDGE: Correct. I think that this has to be very carefully done.

Sen. JOHNSON: Sen. Trowbridge, how can we expect the House to appropriate a sum of money to go along with a tax erosion bill, such as 293 if we wouldn't do it when we pass it here?

Sen. TROWBRIDGE: Well, let's face it. That was early in the session. I don't think everybody was geared up or as aware as they are now of implications of financial matters. I think

you've seen the reports that have been out that HB 888 has been changed. There is a certain amount of money now that we can all agree upon that is available for legislative specials I think in answer to your question of "how can we expect the House to do it?" Well, the House first will have to look into their operating budget, and we'll see if whether one of their priorities is tax aid to the towns.

Sen. JOHNSON: Suppose the House dug out and passed SB 2 then where would our fiscal control be on that one?

Sen. TROWBRIDGE: That is one of the problems.

Sen. JOHNSON: Do you suppose then if that horrendous possibility should happen over there it would be better to pass this appropriation in advance?

Sen. TROWBRIDGE: If they pass SB 2 with no appropriation and we felt that there should be, then the only way we could do is put in in the budget.

Adopted.

Sen. Green wished to be recorded in favor of SJR 12.

## HJR 11

appropriating funds to the New Hampshire American Revolution Bicentennial Commission. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, HJR 11 gives 33 thousand dollars of our bottle money for the Bicentennial Commission which is going to have some expenses in the next two years. They may get more federal funds and they may not but they would like us to take \$25,000 of that amount and make it unavailable for use as they don't plan to spend that but there isn't really too much point for not having it available for use since the bicentennial will come up shortly after this biennium. So Mr. Hamel and his group are proceeding along the right way. They need printing and pamphlets as to what's available in New Hampshire and if they don't need this money they will not spend. So we have agreed on the twenty-five thousand dollar figure.

Adopted.      Ordered to third reading.

## SB 1

establishing an environmental protection department, pro-



viding for planning of the consolidation of the functions of existing agencies under it and making an appropriation therefor. Ought to pass with amendment. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Most of the amendment which is technical which Sen. Porter can explain which are typographical errors, and the only thing that we added in Senate Finance was the total amount of the budget. In the original budget of the bill they carried the item of equipment. Under this item it was found that they had carried it twice, for both years. Well, obviously it is not needed for both years. We took that out. We put in about \$20,000 for the consultants which are provided for in the bill. Primarily when you get to an argument between a developer and an agency as to what will be the effect on the soil if you put this development in it they can't come to an agreement, then they can hire more expert consultants to resolve those questions, which were deficient in the original appropriation.

Sen. PORTER: I rise in support of the amendment as offered by the Committee on Finance. The technical errors were collected by numerous people who were reviewing it. I urge the adoption of the bill.

Sen. TROWBRIDGE: In explanation of this motion it should be noted that last week Arthur Drake came to Senate Finance and he was talking about the fact that he has 150 bills in his committee and the Joint Rules if we were to adopt them today would necessitate that not only those bills go on the floor on a given day but they have to pass into the other body on that day. And anyone who has been in the House and seen a Black Friday or Thursday recognizes how chaotic that is. Both Arthur Drake and I said that this is absurd and what can we do about it, and what we decided was that since they've done a good job in the House side of getting the bills through that we would not concur, and instead they have to be reported in by the committees of the House on the floor for action by the 24th of May and the 31st of May, leaving three more days for floor action by the two bodies. So that we would still have a deadline, but that the floor action taken here could be spread over 3 days instead of having it done in one day.

Sen. JACOBSON: I'm not quite certain. What is the distinction between the 24th date and the 31st date?

Sen. TROWBRIDGE: On the 24th assuming the rules were in effect, all bills not having an appropriation have to pass between the House and Senate on this date. All bills containing an appropriation have to go across by May 31st one week later. So you distinguish those that do not have an appropriation from those that do.

Sen. DOWNING: I rise reluctantly in support of the motion. I don't think at this point that it's really a matter of whether you think something ought to be done with the Joint Rules or not. Actually what we're going to do is merely attempt to circumvent or undo everything that we've worked so hard to do. And that is to move up the calendar of events so that work would be done sooner and thereby it would allow us more time to deliberate. And by doing what's going to be recommended this will slow things down a little more. It's unfortunate but I don't see how we can avoid it at this point and retain the dignity of the Senate.

Sen. FOLEY: I rise in support of this suggestion. I have spoken with Arthur Drake and I feel that this is about the best thing we can do at the present time.

Sen. GREEN: Sen. Trowbridge, based on the direction in which the leadership is going, is it going to mean that all Senate bills that are in committee now are going to have to be reported out by the 24th?

Sen. TROWBRIDGE: No, the thing we have to worry about are bills that your chairman have that carry appropriations, getting them out to go to Finance if they pass the original work of the body and so we can have a hearing and get them back again. That is another story.

### AMENDMENT

Amend RSA 12-E:2, I (e) as inserted by section 1 of the bill by striking out in line three after the word "resources" the word "and", so that said subparagraph as amended shall read as follows:

(e) Rare or valuable ecosystems or natural areas, as designated, bounded and mapped by the department of environmental protection, with the advice of the fish and game department and the division of resources development; or

Amend RSA 12-E:2, I (g) as inserted by section 1 of the bill by striking out in line two the word "proposed" and inserting in place thereof the following (proposed), so that said subparagraph as amended shall read as follows:

(g) Tracts of land, proposed or intended to be occupied for large-scale development. Such tracts are defined as any area proposed or intended for commercial or industrial development (including residential subdivisions, planned unit projects, and condominiums) in excess of ten acres, whether or not the tracts making up the development are contiguous, or any area proposed or intended to be occupied by a commercial or industrial structure or structures having a ground area or floor space at ground level in excess of sixty thousand square feet. However, this definition shall exclude any such tract where located wholly within one or more towns or cities each of which has (i) duly adopted a zoning ordinance pursuant to RSA 31, and (ii) duly created and appointed a planning board pursuant to RSA 36, and (iii) duly delegated to the planning board the authority to adopt subdivision regulations and such board has duly adopted the same, and (iv) delegated to the planning board the authority to review site plans pursuant to RSA 36:19-a. The department of environmental protection shall publish, from time to time, a list of the towns and cities which have met the requirements of (i) through (iv) inclusive. Any such town or city by its planning board may request and receive advice and assistance from the department in the consideration and action upon such large-scale developments at municipal level.

Amend RSA 12-E:5, II as inserted by section 1 of the bill by inserting in line six after the word "council," the following (shall), so that said paragraph as amended shall read as follows:

II. No commissioner shall participate in the hearing of any question which the commission is to decide in a judicial capacity, who would be disqualified from any cause, except exemption from service and knowledge of the facts involved gained in the performance of his official duties, to act as a juror upon the trial of the same matter in an action of law. If at any time a commissioner shall be disqualified, the governor with the consent of the council, shall appoint a special commissioner to act in his place during the period of such disqualification only.

Amend RSA 12-E:7, VII (c) as inserted by section 1 of the

bill by striking out in line four after the word "mapped" the following punctuation mark ";" and inserting in place thereof the following (,) so that said subparagraph as amended shall read as follows:

(c) The proposed development has made adequate provision for fitting itself, without material adverse consequences, into the existing environment, and will not have a substantially injurious effect on existing uses (whether private or public) or previously classified, bounded and mapped, prime agricultural lands, flood hazard areas, historic sites, scenic landmarks, and rare or valuable ecosystems or natural areas; and,

Amend RSA 12-E:14, II as inserted by section 1 of the bill by striking out in line seven after the word "council" the word "for", so that said paragraph as amended shall read as follows:

II. Whenever the commissioner of public works and highways hereafter proposes the construction of a new state highway or the relocation of an existing state highway, he shall obtain the written opinion of the department regarding the proposed location of the same, prior to the holding of any departmental hearing otherwise required, and shall give due consideration to the opinion of the department before making his final proposal to the governor and council. He shall annex to his petition or proposal to the governor and council the opinion of the department thereon.

Amend section 4 of the bill by striking out the same and inserting in place thereof the following:

4 Appropriation. There is hereby appropriated for the fiscal year ending June 30, 1974 and for fiscal year ending June 30, 1975, to be expended for the purposes of this act as follows:

	1974	1975
Personal services:		
Salary of director	\$20,000	\$21,080
Salary of deputy director	16,006	16,356
Other personnel services:		
Permanent	78,486	82,779
Other	22,500	22,500
Current expenses	24,100	24,100
Travel:		
In-state	6,600	6,600
Equipment	18,473	—



## Other expenditures:

Benefits	10,304	10,819
Information and education	5,000	5,000
	<hr/>	<hr/>
	\$201,469	\$189,234
	=====	=====

The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.      Ordered to third reading.

## ANNOUNCEMENTS

The CHAIR: The Chair announces that the meeting dates for the Senate week of the 28th will be Tuesday, Thursday and Friday. On Thursday the 24th we will meet at 11:00 a.m. here in Concord as well as in the evening in Derry.

Sen. Porter moved that we non-concur with the Joint Rules and appoint a new Committee of Conference.

Adopted.

Sen. Porter moved whereby SB 223 was referred to Executive Departments be vacated and referred to Ways and Means.

Adopted.

Sen. FOLEY: I move that the Senate, now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

## LATE SESSION

## Third reading and final passage

SB 182, providing for seven appointed members to the Manchester Airport Authority.

SB 180, requiring the bonding of new and used car dealers.

SB 161, designating a certain portion of route 13 in New Boston as Davis Scenic Drive.

HB 224, to reclassify a certain section of highway in the town of Orange.

HB 628, relative to the use of illegal inspection stickers.

HB 786, relative to the name of certain buildings in Coos County.

HB 498, relative to the area school contract between the Rochester school district and the Strafford school district.

SJR 20, providing for an additional appropriation for expenses of the legislature.

HB 255, permitting the employment in a school district of a learning disabilities teacher.

SB 85, relative to maintenance of bridges on class II highways.

SB 1, establishing an environmental protection department, providing for planning of the consolidation of the functions of existing agencies under it and making an appropriation therefor.

HJR 11, appropriating funds to the New Hampshire American Revolution Bicentennial Commission.

Adopted.

Sen. Downing moved reconsideration of SB 180.

Motion lost.

Sen. DOWNING: I move reconsideration of HB 255.

Motion lost.

Sen. Blaisdell moved the Senate adjourn at 4:35 p.m.

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## *Tuesday, 22May73*

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Bless us, O Lord, as we strive to be mindful of those things which shall benefit our state; and in turn reflect upon the Nation.

Strengthen us by Thy might as we work together and wrestle with the problems which confront us day by day. Amen.

Pledge of Allegiance was led by Sen. Ferdinando.

Know all men by these presents that

*Whereas*, we members of the New Hampshire Senate have learned with deep sorrow of the death of former Senator Richard H. Horan of Concord; and

*Whereas*, he served his native city of Manchester faithfully and with profound civic dedication as a member of the House of Representatives from 1915 to 1919; and

*Whereas*, he further served with youthful distinction as a State Senator in 1919 at the age of 30, the youngest person in our history to be elected to this body; and

*Whereas*, Senator Horan continued his dedicated service to the State of New Hampshire as chief accountant for the Department of Education for 42 years; and

*Whereas*, he displayed high moral character and unselfish zeal as champion of state employee concerns by serving as past president of the State Employees Association and as a charter member of the State Employees Credit Union; and

*Whereas*, he returned with unflagging energy to the House of Representatives in 1969 from Ward 5 in Concord; therefore be it

*Resolved*, that we, the members of the New Hampshire Senate, do hereby extend our deepest sympathy to the family of Richard H. Horan; and be it further

*Resolved*, that a copy of this resolution be forwarded to his family to express such sympathy and to record this grievous loss to them, to us, and to the State of New Hampshire occasioned by his passing.

Sen. PORTER: I move that in accordance with the list in the possession of the Clerk, Senate Bills 230 through 249 and SJR 21 be by this resolution, read a first and second time by the

therein listed title, laid on the table for printing, and referred to the therein designated Committee.

Adopted.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 230, relative to child support payments. (Jacobson of Dist. 7 — to Judiciary.)

SB 231, specifying procedures for termination of residential gas or electric services. (Jacobson of Dist. 7; Bossie of Dist. 20 — to Judiciary.)

SB 232, prohibiting the use of certain motorboats on Great Pond in Kingston. (Brown of Dist. 19 — to Recreation and Development.)

SB 233, establishing a commission to recommend three candidates for all judicial appointments. (Jacobson of Dist. 7 — to Judiciary.)

SB 234, providing a limited tuition assistance to New Hampshire high school graduates who wish to attend accredited institutions of higher learning within the state; and making an appropriation therefor. (Jacobson of Dist. 7 — to Education.)

SB 235, pertaining to open charge accounts and the maximum allowable interest. (Spanos of Dist. 8 — to Banks, Insurance and Claims.)

SB 236, providing due process in the right of appeal for suspended state employees. (Porter of Dist. 12; Nixon of Dist. 9 — to Judiciary.)

SB 237, relative to food programs operated for benefit of elderly on school property. (Bossie of Dist. 20 — to Education.)

SB 238, changing the name of the Berlin Wayside Area in the capital appropriations of 1971. (Lamontagne of Dist. 1 — to Public Works and Transportation.)

SB 239, relative to regulating Sunday activities in towns of over ten thousand. (Brown of Dist. 19 — to Executive Departments, Municipal and County Governments.)

SB 240, authorizing the transfer of Norman S. Cook, Helen

J. Hurley and Pauline Kolongis from the New Hampshire Teachers Retirement Association to the New Hampshire Retirement System. (Smith of Dist. 3 — to Finance.)

SB 241, permitting the sale of alcoholic beverages in certain curling clubs. (McLaughlin of Dist. 13 — to Ways and Means and Administration.)

SB 242, providing that a felon convicted for robbery or arson may obtain an alcoholic beverage license. (Smith of Dist. 15 — to Ways and Means and Administration.)

SB 243, relative to minimum standards and other requirements for employee welfare, pensions, and profit sharing retirement funds. (Downing of Dist. 22 — to Joint Committee of Ways and Means and Administration & Banks, Insurance and Claims.)

SB 244, to reorganize the present fire service training program. (Sanborn of Dist. 17 — to Executive Departments, Municipal and County Governments.)

SB 245, relative to the duties of the state treasurer and director of the division of accounts. (Smith of Dist. 3 — to Executive Departments, Municipal and County Governments.)

SB 246, allowing persons sixty-five years of age and over a fifteen hundred dollar exemption from the interest and dividends tax. (Bossie of Dist. 20 — to Ways and Means and Administration.)

SB 247, relative to the civil action of replevin. (Jacobson of Dist. 7 — to Judiciary.)

SB 248, authorizing the governor to enter into a contract with Schools of Dental Medicine to guarantee openings for qualified New Hampshire students and making an appropriation therefor. (Smith of Dist. 3 — to Education.)

SB 249, relative to education in the field of property tax administration and making an appropriation therefor. (Smith of Dist. 15 — to Finance.)

SJR 21, relative to retirement credit for Lawrence E. Marchand, employee of the city of Berlin. (Lamontagne of Dist. 1 — to Finance.)



## SUSPENSION OF RULES

Sen. CLAVEAU: I move that the rules of the Senate be so far suspended as to permit a hearing on SB 202 without prior two days notice in the Journal. Hearing will be held in Room 111 at 11:00 a.m. tomorrow morning.

Sen. CLAVEAU: Mr. President, this bill is relative to the construction of the Dover-Somersworth Interchange and some of the people have been notified and this was in the Journal yesterday. We would like a hearing on SB 202 at eleven a.m. tomorrow.

Sen. LAMONTAGNE: What is the nature of the bill?

Sen. CLAVEAU: It is relative to the construction of the Dover-Somersworth Interchange.

Adopted.

RECESS  
OUT OF RECESS

Sen. Blaisdell moved that the rules of the Senate be so far suspended as to permit a hearing on SB 221 without the necessary two days notice in the Journal. The hearing will be held in Room 109 at 11:00 a.m. tomorrow morning.

Sen. BLAISDELL: Mr. President, this bill is before the Fish and Game Committee, and it concerns the raise in license fees for the Fish and Game Department.

Adopted.

## SUSPENSION OF RULES

Sen. TROWBRIDGE: I move that the rules of the Senate be so far suspended as to allow a hearing on HB 832 and SB 76 without the necessary two days notice in the Journal. The hearing will be in Room 120 at 10:30 a.m. tomorrow morning.

Adopted.

## ENROLLED BILLS AMENDMENT

HB 315, revising the method of payment of the debt service and maintenance of the women's dormitory at New Hampshire Technical Institute in Concrd. Sen. Provost for the Committee.

## AMENDMENT

Amend section 1 of said bill by striking out the first four lines and inserting in place thereof the following:

1 Women's Dormitory; Method of Debt Payment. Amend 1969, 505:4, as amended by 1971, 46:1 by striking out said section and inserting in place thereof the following:

505:4 Women's Dormitory.

I. The sum of seven hundred twenty-three thousand dollars is hereby appropriated for the purpose of constructing, furnishing, and equipping a women's dormitory at the New Hampshire Technical Institute in Concord as follows:

(a)		
(1)	Building	\$592,000
(2)	Parking area-site	25,000
(3)	Utilities	10,000
(4)	Furnishing and equipment	30,000
(5)	Architect's fees	41,000
(6)	Contingencies	25,000
Total		<hr/> \$723,000

II. Payment of the principal, interest and short-term interest on the

Further amend section 1 of said bill by renumbering the original paragraph II of RSA 505:4 to read paragraph III.

Amend section 2 of said bill by striking out lines five and six and inserting in place thereof the following:

women's dormitory sustenance fund established by 1969, 505:4, III as inserted by section 1 of this act.

Amend section 4 of said bill by striking out the same and inserting in place thereof the following:

4 Effective Date. 1969, 505:4, I and II as inserted by section 1 of this act and section 3 of this act shall take effect upon the passage of this act. The remaining sections of this act shall take effect July 1, 1973.

Sen. PROVOST: Mr. President, when the amendment for this act was prepared it was incorrect in its reference to the

statutes so that a certain part of this section to be amended was omitted. This corrects that error.

Adopted.

HB 13, prohibiting motorboats powered by fuel on Brindle Pond. Sen. Provost for the Committee.

#### AMENDMENT

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 Power Boat Restrictions on Brindle Pond. Amend RSA 486 by inserting after section 14 the following new section:

486:15 Brindle Pond. No person shall operate any boat equipped with a petroleum powered motor upon the waters of Brindle Pond in Barnstead. Any person violating any of the provisions of this section, if the offense occurs before November 1, 1973, shall be fined not more than one hundred dollars if the offense occurs November 1, 1973, or thereafter said person shall be guilty of a violation.

Sen. PROVOST: Mr. President, the bill provides that a person violating its provisions would be guilty of a violation and also provided that the bill take effect sixty days after its passage. After the effective date of this bill there will be no penalty for the so called violation that the criminal codes were providing does not go into effect until November 1, 1973. The enrolled amendment corrects this situation.

Adopted.

#### ENROLLED BILLS REPORT

HB 232, relative to the process of reregistration of eligible voters.

HB 260, limiting to two sets the number of legislative registration plates.

SB 49, relative to prohibited conduct of real estate brokers and salesmen and licenses of real estate brokers and salesmen.

SJR 5, providing a supplemental appropriation for the cancer commission.

Sen Provost  
*For The Committee*



The CHAIR: The Chair appoints to the Committee of Conference on Joint Rules, Sens. Porter, Downing, Spanos and Trowbridge.

Introduction of William Maynard, Tax Commissioner to speak on the functions of his department.

Sen. LAMONTAGNE: Commissioner, if there's an over-payment on the profits tax, who reimburses the individual? Is it your commission, or do we have to go to the profits tax?

Comm. MAYNARD: It goes through the business Profits Tax. They make out a voucher and reimbursement is made through them.

Sen. PRESTON: Have you resolved those problems of the small taxpayer part-time business profits taxes, you know where they were being fined ten dollars a month? This seemed to be unfair as these people were paying more in penalties than in taxes.

Comm. MAYNARD: This has been corrected to a certain extent. I don't think it has been completely corrected and I think there is some pending legislation.

The CHAIR: I would like to ask how you feel it should be corrected?

Comm. MAYNARD: I think it's a political matter, and I don't mean partisan politics but it's a matter for the legislators to decide whether or not a person should be excused for paying any penalties if he fails to file a tax return and he actually owes a tax.

Sen. LAMONTAGNE: Isn't it true that there were a lot of these people who were innocent, that weren't aware of such a law, that they had to pay a tax?

Comm. MAYNARD: I think there were probably thousands of them who were ignorant of their obligation to pay the tax. But we run into that day in and day out.

The CHAIR: As a result of anything that happened on January 23 has the Commission adopted an administrative procedure in respect to the exposure to the business profits tax or any tax records?

Comm. MAYNARD: Nothing new. I found or thought we

had an understanding that all of our tax records were confidential, since then we've discussed the matter again.

Sen. SPANOS: The Governor has indicated that as he interprets the law if he finds that the tax records shall be searched in his own mind and sends somebody down there under the authority that he believes that he has within himself to explore those records, will the Tax Commission allow anybody to come in there without consent of the Council?

Comm. MAYNARD: I disagree with the Governor on his ruling and suggest that I would not permit him to look at the records without permission of the council.

The CHAIR: Is there any reason having to do with the auditing of tax returns or investigation of tax fraud or anything of that nature that would really require that the Governor should have the right independently of the Tax Commission and the Attorney General's office to look at the tax records?

Comm. MAYNARD: I don't know of any reason why. I personally think Governor and Council ought to have the right to look at them in the exercise of their office. I do think they ought to have the right to appoint auditors to look at the business profits tax records.

Sen. JACOBSON: I would like to make an inquiry and that is at the present time, what the intention is that the last day for Senate Bills is going to be? Having had two sessions' experience with it previously, and recognizing that we are having a hometown session I would like to express my concern to you in that the power that you have in regards to the relationships of the Speaker that we might come up with a suggestion that Tuesday be the day so that we have the day here, rather than having a split day. I can imagine the problems that we might have down in Derry. I'd like you to consider having next Tuesday as the last day.

## COMMITTEE REPORTS

### SB 54

to establish a New Hampshire office with facilities to assign risks with the State. Inexpedient to legislate. Sen. Ferdinando for the Committee.

Sen. FERDINANDO: Mr. President, SB 54 is a very good

one. What it would do is provide the auto sign facilities here in New Hampshire instead of being part of a regional pool. The committee felt that the expense would be carried on to the policyholders, didn't justify having a separate office here in New Hampshire. However, I've talked to the sponsor since then and since the bill was introduced a lot of the problems that were apparent here in New Hampshire have been resolved and I believe the sponsors would be very happy to speak on the bill.

Sen. LAMONTAGNE: I personally feel that the introduction of SB 54 that it has enacted that the office of branch of responsibility out of New York would be in agreement with the Director of Financial Responsibility. He has been given a direct number that he can call at any time that there is a problem of any New Hampshire residents who are applying under the risk plan. So therefore the arrangements have been made with the company in New York and therefore the Director of Financial Responsibility, Kenneth Lewis, finds it to be working very well. Although there's one thing that it does not do. But I feel that will be taken care of within ten days. But the thing is if it did go over ten days then these people who are paying for their insurance premium are not being reimbursed for the time lost. And I mean that I've had the experience of some of my people who went for two and three months waiting for a certificate to be supplied by the New York office and in the meantime the individuals are paying for a policy that they weren't using. And the reason why they weren't using it is because they could not get an operator's license to drive a car until the SR 22 form was submitted to the Motor Vehicle Department. Although this was the case, I am satisfied with the report.

Adopted.

### SB 123

eliminating the prohibition against insurance transactions through credit card facilities. Inexpedient to legislate. Sen. Ferdinando for the Committee.

Sen. Ferdinando moved that SB 123 be laid on the table.

Sen. FERDINANDO: Mr. President, what is behind this is that Senator Bossie is getting an amendment prepared.

Adopted.

**SB 138**

relative to nonforfeiture benefits of life insurance policies, and reserve valuation standards for life insurance policies and annuity contracts. Ought to pass. Sen. Ferdinando for the Committee.

Sen. FERDINANDO: Mr. President, SB 138, introduced by Sen. S. Smith, amends the standard valuation law and the standard non-profit law. To permit licensed companies to more closely reflect current economic conditions in the calculations of reserve and premium rates. The bill would be helpful to life insurance companies in that consumers will benefit from whatever savings will accrue. The committee felt that it was a good bill and recommends its passage.

Adopted.      Ordered to third reading.

**SB 171**

relative to limitation on the lending authority of savings banks. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, fellow Senators, SB 171 proposes to amend the existing statute relative to investment or savings banks by inserting "guaranteed by a private mortgage guaranteeing insurance companies licensed to do business in the state of New Hampshire and approved by the Bank Commissioner." One of these is known as M.G.I.C. or Magic. This provision is already in the cooperative bank law.

Adopted.      Ordered to third reading.

**HB 359**

relative to the limitations on the loaning authority of Cooperative Banks, Building and Loan Associations, and Savings and Loan Associations. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, HB 359 relative to loan limits of cooperative banks, building and loan associations and savings and loan associations. It raises the limit from 25 million to 30 million. The only change is inserting the word thirty in line seven in place of 25.

Adopted.      Ordered to third reading.

**HB 713**

permitting certain employees to contribute toward the

purchase of group life insurance. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this allows employees to pay for their own life insurance if they want. They have been able to pay for health insurance but there's been no mechanism where they can pay their own life insurance. This lets them contribute and opens up a whole new phase for the employees.

Adopted. Ordered to third reading.

(Vice President Spanos in the Chair)

### SB 163

relative to real estate investments by cooperative banks, buildings and loan associations and savings and loan associations. Ought to pass with amendment. Sen. Poulsen for the Committee.

### AMENDMENT

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Building on Leased Land. Amend RSA 393:18, as amended, by inserting after section 18-a, the following new section:

393:18-b Loans on Buildings Situated on Leased Land. Notwithstanding any other provisions of law to the contrary, cooperative banks, building and loan associations and savings and loan associations may loan on buildings or units thereof, as defined in RSA 479-A, which are situated on land leased of another for a term of not less than thirty years.

Sen. POULSEN: Mr. President, this bill does exactly what it says now although it was amended in committee because there were some wrong words in the original. It does allow banks to take loans on property that is leased land as long as the lease is a thirty year lease.

Amendment adopted. Ordered to third reading.

### HB 363

relative to persons qualified to vote. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, HB 363 pertains to voting qualifications. The bill defines the qualifications to be a qualified voter and brings our state statute into conformity with



federal law. The sponsor Rep. Sanborn testified and there was no opposition.

Adopted. Ordered to third reading.

**HB 749**

relative to the compensation of town clerks. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: HB 749, relative to compensation of town clerks. The bill permits towns to put town clerks on salary and/or part salary and part fees. It states that all remaining fees are to be paid over to the town treasurer. The sponsor spoke in favor, there was no opposition.

Adopted. Ordered to third reading.

**HB 750**

relative to the compensation of collectors of taxes. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: HB 750, is the same style bill pertaining to tax collectors. It permits towns to put tax collectors on a salary basis. All remaining statutory fees to be paid to town treasurer. The last part states the appointment shall be made prior to April 1st and the selectmen shall make a written contract with him in relation to his compensation. Several people spoke in favor of the bill, there was no opposition.

Adopted. Ordered to third reading.

**SB 87**

providing state grants to assist the school staff development programs and making an appropriation therefor. Inexpedient to legislate (Majority) Sen. Trowbridge for the Committee. Ought to pass. (Minority) Sen. Green for the Committee.

Sen. TROWBRIDGE: Mr. President, SB 87 came to our committee with an appropriation of \$44,000 which would be to help fund the program in the various school districts, about \$1,000 per school district, for the program of staff development that is now imposed by the state board of education. The state board did this to try to make each teacher be reviewed by the school board. This was a mandate of the state board and not of the legislature. At this point the only person showing up from the State Board of Education Department was Mr. Harkness who admitted at the hearing that \$1,000 per school district was

only a token. That he couldn't exactly explain where the money would be used. It was quite evident that when I asked the question, "would you rather restore some of the positions that are being taken out of the Department of Education or would you rather have the \$44,000 for this purpose" they quickly said that they would rather have the positions restored and I for one got the distinct impression that this was just sort of a piece of legislation that didn't have any backing by the state board, and wasn't a high priority item. So the majority of the committee was unimpressed by the testimony. Our report is inexpedient to legislate.

Sen. GREEN: I understand that the chairman of the Finance Committee does not have a great deal of feeling for the bill. I would also wonder what happened to the philosophical belief that was expounded yesterday that the school district should be provided with funds to do the kinds of things that are being dictated for them to do, whether it be by legislation or in this case the state board of education. The bill as it was presented was not presented in the light of whether it should be paired but it was presented on its merits alone. It is a fact that by 1975 every school district in the state of New Hampshire will have to provide an in-service training program for teachers at the local level for the benefits of getting credits for recertification. The reason that the bill was submitted and the reason that a tokenism as the chairman of the committee has said, was attached to this bill, was for the legislature to be given an opportunity to really show that they support the recertification of teachers and the upgrading of professional teachers in our state. It was also intended that in doing this at this time it would be evident that the State Department of Education would prepare in their budgets a line item figure that would support this operation. I have a hard time in my own mind thinking that here is an opportunity and here is a bill that will be guaranteeing sending back 90% of the appropriations of the local school district.

Sen. TROWBRIDGE: Sen. Green, as a marvel of consistency, would you not agree that there is a difference of funding when the state board places the burden of teacher recertification of the school districts?

Sen. GREEN: I agree.

Sen. TROWBRIDGE: If that is true then how can you say that we in the legislature have to support with funds something that most of the schools are doing anyhow because they've always had some role in teacher recertification or at least teacher training?

Sen. GREEN: In answering that question, Senator. The local school districts have always had a role in one fashion or another but this role has always been a regulatory kind of role. And they have always in the past paid this entirely. What I am suggesting here is that the legislature at least take a look at this and say yes, this is the contract that we agreed to.

Sen. TROWBRIDGE: Would you agree that a more proper place for the legislature to handle this kind of support factor would be in the budget.

Sen. GREEN: I would agree with you fully but I was of the opinion that to bring this issue forward that it would be better brought forward as a bill.

Majority report adopted.

Sen. Blaisdell wishes to be recorded in favor of the minority report.

#### SJR 4

to reimburse Michael Savchick for efforts as project co-ordinator in the water pollution abatement of the Androscoggin River. Ought to pass with amendment. Sen. Sanborn for the Committee.

#### AMENDMENT

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of ten thousand dollars is hereby appropriated to compensate Michael Savchick of Berlin for the state's share of his services as project co-ordinator in the water pollution abatement of the Androscoggin River. Such payment is in full and final settlement of this claim against the state for services as project co-ordinator subsequent to April 2, 1970 and shall be made upon the condition that Michael Savchick execute a document releasing the state of New Hampshire of all liability for this claim. The governor is authorized to draw his



warrant for said sum out of any money in the treasury not otherwise appropriated.

Sen. SANBORN: Mr. President, the original bill called for some thirty odd thousand dollars to reimburse Mr. Savchick for efforts put forth prior to the start of the contract in the abatement of water pollution in the Androscoggin River and then after the contract was terminated. It was recognized that Mr. Savchick actually did a lot of work and a lot of effort in this field. However, there is considerable doubt as to exactly who owes the bill and I've had considerable discussion with Mr. Savchick and it was decided to accept the sum of \$10,000 for his efforts and he will relieve the state from having any more obligations to him. We feel that this is the best offer that we can make.

Sen. JOHNSON: How much money was your Mr. Savchick already paid?

Sen. SANBORN: For the first nine months of the process he received nothing. However, afterwards when the Federal government's fund did come in it could not be used for payment. Accordingly he was left out in the cold for those nine months.

Sen. JOHNSON: How much was the gentleman paid during this time.

Sen. SANBORN: For one year he was paid at the rate of \$75 to \$100 dollars a day.

Sen. JOHNSON: What was his rate of pay supposed to be?

Sen. SANBORN: It was supposed to be \$75 a day.

Sen. JOHNSON: Why should the state pay him when he was hired by the state and the contract states that all monies are to be paid out of engineering trusts?

Sen. SANBORN: I would say that you have read the contract and all I have done is heard the testimony.

Sen. BOSSIE: Sen. Sanborn, it would be very interesting hearing about the testimony that the Finance committee had. In the Calendar it was listed for a fifteen minutes hearing, is that so?

Sen. SANBORN: Yes it was listed for a fifteen minutes hearing but it went on for an hour or so.

Sen. SANBORN: Yes it was listed for a fifteen minutes hearing but it went on for an hour or so.

Sen. BOSSIE: It was my understanding that when this had come out of the committee on Claims and Banking that the Finance committee was going to give this a completely thorough review because of the legal questions involved.

Sen. SANBORN: In effect this did take place. We listened to Mr. Savchick and there were several people from the building and government who testified, and they were questioned and questioned quite closely.

Sen. BOSSIE: Senator, did the Finance committee determine that this was a real obligation or not?

Sen. SANBORN: I would say that we consider this to be both.

Sen. LAMONTAGNE: Mr. President, members of the Senate, I rise in support of the amendment of the Senate Finance Committee. I personally feel that because Mr. Savchick is accepting that sum that I think it is more than reasonable because it has been proven that Mr. Savchick did not get reimbursed for nine months of work. At the same time at the Senate hearing there was thorough review and the town selectmen of Gorham were there and were in favor of Mr. Savchick 100%. Also, Mr. Bill Healey from Water Pollution did not appear against the bill and therefore if there is any opposition I am sure that he would have appeared. I urge that the Senate vote with the committee, "ought to pass."

Sen. JOHNSON: You said that this gentleman worked very hard and so on. Do you have any time cards?

Sen. LAMONTAGNE: Senator, let me tell you I listen to the council meeting every week to see what's going on in my community and every week I've heard reports from Michael Savchick that came in from the city council which is part of the records which you can get.

Sen. JOHNSON: Were those records presented?

Sen. LAMONTAGNE: They've never been asked for.

Sen. TROWBRIDGE: Mr. President, one thing that impressed us in this review was that we discern that we are only talking about April of 1970 through December 31, 1970. That's

the only period that I'm talking about. The other one from Jan. 1971 on is a tangle in which Mr. Savchick was hired by some persons and not by others and we do not intend to unravel that. The councilor of the City of Berlin, Mr. Burns, made a very clear opinion to the city of Berlin saying that for that first nine months that Mr. Savchick was working on behalf of the city and no provision had been made for his compensation. So that it was acknowledged that this was something outside and set aside to be taken care of later. In the papers thereafter you can find the next mayor of Berlin saying, well we didn't ever do that, go see the contractors. And the contractors said go see the mayor. And it was a runaround I'm sure that occurred. If I didn't think that Mr. Savchick had been unduly dealt with by governmental bodies I wouldn't be here before you. So to cut it down to size we took the \$14,000 and said certainly \$10,000 of this would have come from the state and federal government. So we are proposing \$10,000.

Sen. BRADLEY: Won't Mr. Savchick still have to go to court in order to get the full amount he claims that is due him?

Sen. TROWBRIDGE: Certainly for the remainder of the \$32,000.

Sen. BRADLEY: And he has not yet been to court to try to claim this?

Sen. TROWBRIDGE: As far as I know, no.

Sen. POULSEN: I rise in favor of the motion. I don't know how much Mr. Savchick worked but I did run into him occasionally after the period that Sen. Trowbridge defined when he was in the planning stage. Also we had testimony in the Public Works Committee from Mr. King of Colebrook, who certified that Mr. Savchick did indeed turn in quite a good plan of the Northern Section.

Sen. BRADLEY: I don't wish to oppose this. And I think that Mr. Savchick is a very nice gentleman, but I do think that a record ought to be made at this point that this is not an appropriate way to resolve this kind of claim. This is the sort of claim that should have gone to court in the first place, which will have to go to court anyway.

Sen. LAMONTAGNE: Sen. Bradley are you aware that this settlement is only on the nine months that Mr. Savchick was not paid for?

Sen. BRADLEY: Yes. But that doesn't change what I'm saying.

Sen. LAMONTAGNE: Are you aware that as far as the settlement for the nine months, that this will not play any part if Mr. Savchick is to take this to court?

Sen. BRADLEY: I am aware from the testimony that this will be the end of the case between Mr. Savchick and the state. And I am not going to vote against this bill.

Amendment adopted.      Ordered to third reading.

### **SB 109**

providing for the calculation of average final compensation over three years for teacher members of group I under the N. H. Retirement System. Inexpedient to legislate. (Covered by other legislation) . Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: I think that this is self-explanatory. HB 409 is broader and covers all aspects of the retirement system not just the teachers that is coming through and therefore we plan to use 409 instead.

Adopted.

### **SB 107**

providing full creditation for teacher members of group I under the N. H. Retirement System and making an appropriation therefor. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: This bill would amend the retirement system law as it effects teacher members of group one by providing that teachers shall receive full retirement credit for service in excess of thirty years. All group one members now receive half credit for services in excess of thirty years. In other words for each year a teacher is employed in the school system after thirty years, presently he or she receives only half credit for every year of retirement credit. No other groups experiences this type of credit toward retirement after thirty years and this bill would amend this practice.

Adopted.      Ordered to third reading.

### **HJR 23**

making a deficiency appropriation for fiscal 1972 and an additional appropriation for fiscal 1973 for the N.H. Retirement

System. Inexpedient to legislate. Rep. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, HJR 23 brings up a subject that is going to be discussed several times in the course of this session. When the retirement system was set up in the beginning in 1967, the trustees were told to make two assumptions: That the fund would earn 4% a year. That the salaries of the state employees would increase at the rate of 2½% a year. Those two numbers going into the system of the computer made up what we have to pay under the system each year as our appropriation. In the last three years it has been experienced in actual fact that one, the system is earning almost 5% on its investment. And two, that the employees' salaries are going up more like 3½% percent a year. So the trustees asked the actuaries to make a new assumption and to recalculate everything under the new assumption. When they did they came back showing that we've been overfunding the retirement system for some time. As such then the deficiency that appeared to exist for year 72-73 is wiped out. HJR 23 however was put in before the new assumptions had been agreed upon and so is now inexpedient to legislate.

Adopted.

## SJR 11

relative to retirement credit for Kenneth Lewis. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this bill if enacted would allow Kenneth Lewis, employees of the Department of Motor Vehicles, to be reinstated in the State Retirement System. Mr. Lewis withdrew from the system on April 9, 1964 for a period of approximately four months. The only thing that this does is allow Mr. Lewis to come back into the retirement system and he will pay his portion that he withdrew back into the retirement system.

Sen. TROWBRIDGE: We are attempting to put an amendment on another bill that will change the law so that you don't have to have each one of these things coming through the House and Senate.

Adopted.      Ordered to third reading.



**SJR 8**

relative to retirement credit for Mary S. Downey. Ought to pass. Sen. Green for the Committee.

Sen. GREEN: This is another SJR that deals with an individual person. In this case Mary S. Downing. This bill would request that Mary S. Downing receive credit for her teaching between the years of 1929 to 1940 which she now does not have the opportunity to include in her years of teaching. At that time she was not a member of the Teachers Retirement System. She did return to teaching in 1961 and at that time and since that time has been. She now has retired.

Adopted.      Ordered to third reading.

**SB 89**

providing for vested benefits for teacher members of group I who terminate after completing ten years of creditable service payable in accordance with the applicable service retirement benefits formula and making an appropriation therefor. Ought to pass. Sen. Green for the Committee.

Sen. GREEN: This is one of three of four retirement bills that are coming into the Senate. This particular retirement bill, SB 89, provides those benefits for teachers of group one which of course are the teachers and the state employees who terminate after completing ten years of creditable service, payable in accordance with the upkeep service retirement benefits. This bill will appropriate \$31,797 to the New Hampshire Retirement System for the fiscal year 1974 and the same amount for 1975.

Adopted.      Ordered to third reading.

**SB 82**

providing for the standard allowance payable to a teacher member of group I under the N.H. Retirement System to be a modified cash refund and making an appropriation therefor. Ought to pass. Sen. Green for the Committee.

Sen. GREEN: SB 82 which is providing for a standard allowance payable to members of group one under the New Hampshire Retirement System. This bill as presented only refers to group one because both state employees and teachers don't have this benefit. This is a death benefit which would

allow the members of group one rather than to have the option it would make it part of the total package.

Adopted.      Ordered to third reading.

**SB 52**

providing for appointment of retired Probate Judges as judicial referees. Referred to Judicial Council. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, SB 52 allows for the appointment of the retired probate judges. Senate Judiciary committee recommends that it be referred to the Judicial Council for further study. This bill in effect makes and gives the same benefits and obligations to probate judges as is presently in the law for superior and supreme court judges. However the restrictions the court rules as to superior and supreme court judges does not apply to probate court judges, so that the effect is not as necessary in this instance.

Adopted.      Referred to Judicial Council.

**SB 63**

providing for arrest without warrant in miscellaneous cases where probable cause for such arrest exists. Ought to pass with amendment. Sen. Bossie for the Committee.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

**AN ACT**

relating to arrest without a warrant.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Arrest Without a Warrant. Amend RSA 262-A by inserting after section 62-a the following new section:

262-A:62-b Arrest Without a Warrant. Notwithstanding any other provision of law to the contrary a peace officer may, without a warrant, arrest any person involved in a traffic accident when the officer has probable cause to believe that such person has violated the provisions of RSA 262-A:62.

Sen. BOSSIE: Mr. President, on page 163 on today's Calen-

dar the amendment to this bill is provided. This bill as amended will provide that a police officer without a warrant may arrest any person involved with a traffic accident and the officer has such cause to believe that such person has violated the provisions of RSA 262 A which is driving under the influence of an intoxicant. So basically what this does, it would not open the door as wide as the original bill would have done. The testimony before the committee was that this was aimed at the drinking driver .

Amendment adopted.      Ordered to third reading.

### **SB 80**

providing for district court prosecutors for all criminal trials and probable cause hearings. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. Bradley moved that the words referred to Judicial Council be substituted for the words inexpedient to legislate.

Sen. BRADLEY: Mr. President, this bill has a great deal of merit and it's one of the plans on the platform that I ran on and that was being prosecuted in the district courts. The problem is getting the people to do it, and finding what their job will be and the money to do it. We think that the subject matter has enough merit that it ought to go to the Judicial Council, to see if they can come back with a recommendation to do something about the situation that a police officer has to do all his own prosecuting which is unfair to impose on them.

Sen. SANBORN: Mr. President, as I am the sponsor of this bill I believe firmly in the suggestion made by Sen. Bradley.

Adopted.      Referred to Judicial Council.

### **HB 743**

relative to the dispensing of controlled drugs. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this bill provides that professional associations or corporations engaging in group practices of medicine are added to those who shall not possess such controlled drugs without first obtaining a license from the Division of Public Health Services or the Department of Health and Welfare. At the present time there are only about a half a dozen of these groups in the state that are dispensing drugs



and those have a license. There is no opposition to this bill and we recommend that it pass.

Adopted.      Ordered to third reading.

#### **HB 627**

to provide for a county hospital administrator in place of one member-at-large, not a member of the medical profession. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President, members of the Senate, HB 627 in essence adds a member to the advisory commission on Health and Welfare being a county hospital administrator in place of the member at large. The reason for this is at the present time the county hospitals have over 1400 beds and they really should have a say in the commission.

Adopted.      Ordered to third reading.

#### **RECESS**

#### **OUT OF RECESS**

#### **SB 169**

relative to transfers to the New Hampshire state hospital for observation. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this bill would remove the provision in RSA 35 for the transfer to the New Hampshire Hospital for sanity observation. Right now somebody else has to pay the bill to send him there and the only thing this does is take it on as a state expense.

Adopted.      Ordered to third reading.

#### **SB 120**

providing that each county must participate in and pay for the commodity food distribution program. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this bill would require all counties to be the participant agencies of the commodity pool distribution program. This bill would also prohibit counties from passing on their costs to the participating towns. At the present several counties and some towns do not participate in the commodity food program and accordingly there are poor people who could benefit from this program are cut off from

its advantages. There were some five or six people who appeared before this committee all in favor and there was no opposition, and we recommend it to pass.

Sen. BRADLEY: Are there any towns that are now participating in the food stamp program?

Sen. SANBORN: Not that I know of.

Adopted.      Ordered to third reading.

### HB 222

requiring druggist to post a list of prescription drug prices. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this bill requires drug stores and other places that are dispensing drugs to post a list in a conspicuous place of the 200 most commonly used drugs and a price beside it. This is the only thing that the bill provides. The only people who did appear in opposition to the bill were a couple of druggists who work in a hospital.

Sen. S. SMITH: Did you say the 200 most common drugs? Was the bill amended? It says 100 in the original bill.

Sen. SANBORN: It was amended in the House if I'm not mistaken.

Sen. S. SMITH: I just wonder if this piece of legislation as it is drafted would be a difficult piece of legislation to comply with. With price changes occurring constantly wouldn't this involve a chalkboard or something along this line?

Sen. SANBORN: It could be, but I don't think that it would be quite necessary.

Sen. S. Smith moved that HB 222 be recommitted to the Committee on Public Health, Welfare and State Institutions.

Sen. SMITH: Mr. President, I am in full sympathy with the intent of this bill. I do, however, have a strong feeling that in the drug store in the various communities of this state that to place the kind of a note that this bill indicates could in many instances be a physical impossibility. I think if you mimeograph it and have it posted this is one thing. But how effective is that due to the fact of price changes so forth and so on.

Sen. GREEN: I would like to rise in opposition to the

motion on the floor. I have taken a good look at HB 222. This bill does not require the need for a chalkboard or any such other device. It does place the responsibility for listing the cost of drugs on the druggist or store owner so that the people who are coming in and buying these drugs know what the prices are for each of the drugs. I believe that the committee and the Public Health and Welfare have done a good job with the bill.

Sen. BROWN: Don't you think that this is going to be hard on the druggist and it will occupy a great amount of his time?

Sen. GREEN: If I felt that seriously I would have second thoughts. It is my understanding that druggists that I've spoken to, that they have readily available and some have them now, complete lists of what these drugs cost.

Sen. FOLEY: I rise in opposition to the motion to recommit. I think that the druggist can make this just as hard as he wants to or just as easy as he wants to. I believe that there should be a printed list of the two hundred most popular drugs. And I am in favor of this bill.

Sen. GARDNER: I don't think that it is necessary to recommit this bill, because I don't see how we could come back with any other report than ought to pass.

Motion lost.

Adopted.      Ordered to third reading.

### **HB 598**

relative to misuse of special circumstance welfare grants. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President, this bill will make unlawful for welfare recipients to use the special circumstance grants for any other purpose than specifically the application was granted for. In other words, in the past welfare recipients have received grants and used the money for some other purpose and not paid their bills.

Sen. BRADLEY: Could you tell us whether the Department of Health and Welfare took a position on this bill and if it did what it was?

Sen. MCLAUGHLIN: Jerry Zyler spoke to me after about this and he had no objections whatsoever.

Sen. BRADLEY: Did the committee concern itself with the question as to whether or not by this bill we are in effect making recipients of welfare some sort of second class citizens in the sense that other people who may have certain obligations in a moral sense but spend it in other ways? But generally speaking we are not making that sort of thing a crime and it seems to me that generally speaking we would not make this kind of misappropriation of funds a crime. Whereas because here the people are on welfare we are going to make them a criminal if they misspend some funds.

Sen. MCLAUGHLIN: The purpose here is that it is our money, our state money, that's been appropriated by our people of our state, and we feel it should go to the person who has served or provided a service for the welfare recipient. That is much different with a person who earns their own money as to how they will spend their own funds.

Sen. TROWBRIDGE: Did you consider the other method of having the special purpose fund go directly into the servicer's door rather than going to the welfare recipient?

Sen. MCLAUGHLIN: This was discussed. However the commissioner of Health and Welfare said that it was humanly impossible to give a check directly to a servicer as the law now reads.

Sen. PRESTON: The purpose is to specify in the recipient's application for the purpose for which the money will be spent. And I think that if someone signs an application and says that they will spend it in a certain way then they should.

Adopted.      Ordered to third reading.

(Sen. Nixon in the Chair)

#### **SB 124**

changing the classification of certain class V highways to class II highways. Ought to pass as amended. Sen. Sanborn for the Committee.

#### **AMENDMENT**

Amend RSA 231:6-C, I, as inserted by section 1 of the bill by striking out said paragraph.

Amend RSA 231:6-C, II, as inserted by section 1 of the bill

by striking out said paragraph and inserting in place thereof the following:

II. The road running from New Hampshire route 107A for approximately four miles in the town of Deerfield and approximately one and five tenths miles in the town of Allenstown to the Bear Brook state park located in Deerfield and Allenstown.

Amend RSA 231:6-C, X, as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

X. The road from New Hampshire route 156 for approximately two and two tenths miles to the Pawtuckaway State park in the town of Raymond.

Further amend RSA 231:6-C, as inserted by section 1, by striking out paragraph II thru XII, and renumbering paragraphs, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII to read I II III IV V VI VII VIII IX X XI respectively.

Sen. SANBORN: Mr. President, all this does is change the classification of certain classified highways to class two which are running from a class one or class two highway to a state park which is being used for recreational purposes. At present, Mr. President, many of these class five highways have to be maintained by the town and some of them are not in very good shape because the towns do not have the funds to maintain these roads. But they do go to the state park being maintained for recreational purposes and at the entrance to that park there is a collection booth that collects money to help maintain the park system.

Sen. S. SMITH: Yesterday we had a bill allowing the state to take over all town bridges on class two highways. I wonder whether now if these class five highways being made into class two highways, how many class two bridges are located on them?

Sen. SANBORN: To my knowledge there are none and it might be of interest to you that all the little pieces of road put together come to about twenty miles.

Amendment Adopted. Ordered to third reading.

RECESS

OUT OF RECESS



**SB 178**

regulating business practices between motor vehicle manufacturers, distributors and dealers. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, SB 178 is a bill of rights type of bill between the automobile dealers and the manufacturer. It outlines the rules of the game so that some of the abuses that have been going on for years can be minimized. It will make a better relationship between the dealers and the manufacturers. It will get rid of the heavy-handed way that deals have been handled over the years. It will also lock in the warranty questions. The warranty question will be solved as the manufacturer must outline what the warranties are.

Sen. JOHNSON: What about state and municipal prices?

Sen. POULSEN: There will be no difference in price. It will be unit pricing.

Sen. JOHNSON: What about the state buying a fleet of cars?

Sen. POULSEN: They shouldn't be treated any differently.

Sen. LAMONTAGNE: This should not make any difference for those who own fleets. The only problem is between the dealers and the manufacturers.

Sen. JOHNSON: Sen. Lamontagne, if a person wanted to buy a dozen cars would he therefore buy them in Massachusetts?

Sen. LAMONTAGNE: No, he can buy them in New Hampshire from any dealer. It won't stop the discounts on a fleet.

Sen. POULSEN: I think the answer is that a dealer can discount a price to a customer, but the company cannot discount between one dealer and another.

Sen. CLAVEAU: I rise in support of the committee. I am well aware that this legislation is long overdue. As a matter of fact it has put all kinds of pressure on the dealer and it makes it very difficult for a dealer to make an adjustment for his customer. With this legislation it will give the dealer a lot more leverage to deal with the manufacturer. And I think that the bill ought to pass.

Sen. TROWBRIDGE: If I understand correctly, a New Hampshire person who wants to buy a fleet can still do so?

Sen. CLAVEAU: Yes.

Sen. TROWBRIDGE: What then is the car like Avis, does this in any way affect Avis' right to buy a fleet directly from Ford let's say?

Sen. CLAVEAU: They can do that but the manufacturer can not sell cars or fleets cheaper than they would to an authorized dealer.

Sen. TROWBRIDGE: This is only a New Hampshire law so this will not effect Avis buying from Detroit?

Sen. CLAVEAU: No.

Sen. GARDNER: I've been told that if a dealer wants to sell his business he has to sell it to the manufacturer and that he can't sell it to anyone else, and that he has to let the manufacturer bid first. Is that correct?

Sen. CLAVEAU: At the present time the manufacturer has to approve the sale of the franchise.

## RECESS

### OUT OF RECESS

Adopted.      Ordered to third reading.

Sen. Gardner wishes to be recorded in favor of SB 178.

#### **SB 145**

providing that revocation of boat registration be the responsibility of the director of safety services. Inexpedient to legislate. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President and members of the Senate you will notice that 145 and 146 are two of the same. It would seem that the departments that are involved in both of these bills have resolved their problems and Sen. Brown has asked that the bills be inexpedient to legislate and there is no need for the legislation.

Sen. BROWN: The Department of Safety and the Department of Safety Services feel that things are best left as they are.

Adopted.

**SB 146**

providing for a change in official responsibility relative to commercial boating, from the director of the division of motor vehicles to the director of the division of safety services. Inexpedient to legislate. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, as I stated before SB 146 is withdrawn and we ask that it be inexpedient to legislate.

Adopted.

Sen. Bossie moved that SB 123 be taken from the table at this time.

**SB 123**

eliminating the prohibition against insurance transactions through credit card facilities. Inexpedient to legislate. Sen. Ferdinando for the Committee.

Sen. FERDINANDO: Mr. President, SB 123 says that insurance should be sold through agents and not by the impulse factor of having people appeal to either their emotions at the time by either buying or paying for their insurance through credit cards. Too often they either send a questionnaire or brochure saying that you can now buy this insurance by checking this section and including it in your monthly payments. The conclusion of the committee was that if people are going to buy insurance that they should be able to buy it and have an agent tell them what their coverages are so that they would not be too disappointed in the event that they were not covered.

Adopted.

Sen. Bossie moved that the words ought to pass with amendment be substituted for the words inexpedient to legislate.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

allowing certain insurance transactions through credit card facilities.

Amend the bill by striking out section 1 and inserting in place thereof the following:

I Sale of Life and Accident Insurance. Amend RSA 402:15-a, as inserted by 1965, 288:1, by inserting after paragraph II the following new paragraph:

III. The provisions of this section shall not apply to group or individual policies of life or accident and health insurance written by insurance companies duly authorized to do business in this state. However, any individual policies of life or accident and health insurance must be placed through agents who are residents of this state and who are licensed to transact business in this state.

Sen. BOSSIE: Mr. President, I believe that this amendment takes care of any objections that were set forth by the committee and I would like to say that under this provision no insurance may be paid for by a credit card except through an accident, health or life insurance company who is authorized to do business in New Hampshire and any policy that is issued through this credit card must be placed with the agents within the state of New Hampshire.

Sen. BROWN: Is it not true Sen. Bossie that an agent in the state of New Hampshire that this is optional? He does not have to.

Sen. BOSSIE: That is true. This is permissive legislation, that would arouse him to do it but only if this company is authorized to sell insurance in New Hampshire and only if he in fact is a resident agent in the state of New Hampshire.

Sen. JOHNSON: Senator Bossie, would you classify J.C. Penny Co. as an agent?

Sen. BOSSIE: No. An agent must be an individual such as John Jones who sells J.C. Penny Life Insurance.

Sen. TROWBRIDGE: Senator, if the objection to have a credit card sales has been something that there wouldn't be any way around to service the account, is it not true that we do a lot of credit card business for people who are not around? Like American Express is not here in New Hampshire to help me with anything. What is the difference between this and my buying an American Express card?

Sen. BOSSIE: I think the most important difference there is that in buying insurance where a lot of people who are un-

aware of the technical clauses of insurance, even a lot of attorneys don't understand it, mostly because you buy an insurance policy and you throw it in a draw and then you have an accident or a casualty loss and that's when you look at it. This really would cover any problems such as these.

Sen. FERDINANDO: I think the question basically is that the amendment is not as bad as it could have been. I think the question here is that if you think people should buy insurance with having somebody in town or in the state to go over their coverage and explain their policy then I think we should go with the majority report. If some people feel that it would be encouraging sales with credit cards is something that strikes their fancy then they should go with the minority group.

Sen. BROWN: Sen. Ferdinando, doesn't this amendment do exactly what you said you wished it would?

Sen. FERDINANDO: It doesn't appear to go far enough? For example, it talks about the agent for the sale but it doesn't do anything for the servicing of the policy. That can still be done through the mail.

Division: Yeas 12, Nays 5.

Amendment adopted.      Ordered to third reading.

### **HB 335**

to provide for designate alternate members to serve in absence of the regular members of the N.E. Interstate Water Pollution Control Commission. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, HB 335 provides that the chairman ex officio of the New England Interstate Water Pollution Control Commission designate all of its members in the absence of regular members, who due to illness of pressing business, cannot attend a meeting of the commission. This has been an attendance problem with New Hampshire members because of this reason: nothing can be binding unless three of the state members agree. This bill will give the chairman a chance to make sure that the three members are at the meeting.

Adopted.      Ordered to third reading.

### **SB 149**

relative to the location of hearing for proposed electric



power plant and major transmission siting. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, SB 149, amends the existing law which states that a hearing required for the electric power plant and transmission and section law shall be held in the county where the proposed facility is to be located. Subsequent public hearings on application to be held either in the county to which this facility is proposed or in Concord, provided that there is adequate notice as to the hearing. The subsequent hearings held in Concord would be less expensive because of travel and meals, plus a lot of members can spend more time behind their desks here in Concord.

Adopted.      Ordered to third reading.

#### **SB 156**

relative to penalties for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, SB 156 was introduced by Sen. Smith of District 3, Plymouth on behalf of the Water Supply and Pollution Control Commission. It broadens the penalty definition RSA 149:87 and specifically provides for an increase in the penalty from \$1,000 to \$5,000 for anyone found guilty of the provision of the chapter. The provisions include the state division of land and the construction of buildings and sewage treatment facilities. The problem has arisen that I've seen is that of incorrect information being supplied to the Water Supply and Pollution Control Commission. This is a problem that has cropped up and the penalty section clarifies this particular aspect. No one appeared in opposition to the bill and I received no correspondence, against it. The committee urges its adoption.

Sen. TROWBRIDGE: For the record, Senator, it's \$5,000 per what?

Sen. PORTER: Any person found guilty would be fined not more than \$5,000 for the offense.

Adopted.      Ordered to third reading.

**SB 115**

naming a certain body of water in the town of Wakefield, Belleau Lake. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: The Senate committee had a hearing on this bill and we are dealing with body of water in the town of Wakefield to change the name of this body of water which is now Dorr Pond to be known as Belleau Lake. Several people appeared in favor of this bill as well as the selectmen of the area. The lake in question is about a 240 acre lake and has roughly about 100 cottages on it. The committee urges its adoption.

Sen. LAMONTAGNE: This bill has been before this Senate so many time I only hope that the Senate will pass this bill and will make it Belleau Lake.

Adopted.      Ordered to third reading.

**SB 159**

permitting the water supply and pollution control commission to continue minimum algae control effort in the surface waters of the state, and making an appropriation therefor. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, this is another Smith Bill, the bill calls for \$56,000. The question here is the program to control algae in the various lakes and surface waters in the state. This is a program which has been funded in the past years and this money has been urged by the Water Pollution Control Commission to assist. The real answer would be to have full funding for the Winnisquam River Basin Program which we will have before us shortly. However, this is a solution and the committee urges its adoption.

Adopted.      Referred to Finance.

**SUSPENSION OF RULES**

Sen. TROWBRIDGE: I move that the rules of the Senate be so far suspended as to allow introduction of a committee report on HB 582 not previously advertised in the Journal.

Adopted.

**HB 582**

amending the appropriation for the Winnepesaukee River

Basin pollution control program. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: In accordance with the practice of the Senate I will explain the bill on this motion. This is the bill that you've heard about amending the appropriation for the Winnepesaukee River Basin. The total amount of money that was appropriated in the special session was about \$500,000 in the bond issue. And now we have to come back with a supplemental appropriation. The reason for hurrying is that the contract's bid has to be accepted by May 25 and it is now the 22. Under the old legislation \$500,000 was put in for upgrading the Laconia Treatment Plant. We knew that this was \$355,000 short of what was going to have to be done anyhow, but it was also figured at that time that they couldn't spend all of that money so why do it then. Now they are coming back and asking for an additional \$200,000 in state funds because the project had run \$423,500 more than anyone estimated that it would. So as a result the total bond issue would be a million, four hundred and thirty eight thousand up from the original amount. I can't think of anything that has had more support than this whole treatment plant thing on the Winnisquam Lake and the Winnepesaukee Lake and their cities.

Sen. GARDNER: I want to say that I am very much in favor of this and I was in on the study and I feel that this is very urgently needed.

Sen. LAMONTAGNE: Could you give us the amount that you say must be in addition?

Sen. TROWBRIDGE: What we are adding on here is \$283,000 extra dollars of state funds.

Sen. LAMONTAGNE: Will this be for this fiscal year or next?

Sen. TROWBRIDGE: Bond issues are not done in fiscal year appropriations. A bond issue has a twenty year life.

Sen. LAMONTAGNE: Will it become effective with passage?

Sen. TROWBRIDGE: Yes.

Adopted.      Ordered to third reading.

Sen. PRESTON: I move that the rules of the Senate be so far suspended as to allow for a hearing on SB 225 and 232 without the necessary two days notice in the Journal. Hearing to be held tomorrow at 11:00 a.m. in Room 109.

Adopted.

#### HOUSE ADOPTION OF ENROLLED BILLS AMENDMENT

SB 106, relative to the use of voting machines.

#### AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

permitting use of paper ballots for certain elections  
in cities and towns which have adopted use of  
voting machines therein.

Adopted.

Sen. FOLEY: I move that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

#### LATE SESSION Third reading and final passage

SB 138, relative to nonforfeiture benefits of life insurance policies, and reserve valuation standards for life insurance policies and annuity contract.

SB 171, relative to limitations on the lending authority of savings banks.

HB 359, relative to the limitations on the loaning authority of Cooperative Banks, Building and Loan Associations, and Savings and Loan Associations.

HB 713, permitting certain employees to contribute toward the purchase of group life insurance.

SB 163, relative to real estate investments by cooperative banks, building and loan associations and savings and loan associations.

HB 363, relative to persons qualified to vote.

HB 749, relative to the compensation of town clerks.

HB 750, relative to the compensation of collectors of taxes.

SJR 4, Joint Resolution to reimburse Michael Savchick for efforts as project coordinator in the water pollution abatement of the Androscoggin River.

SB 107, providing full creditation for teacher members of group I under the New Hampshire retirement system and making an appropriation therefor.

SJR 11, relative to retirement credit for Kenneth Lewis.

SJR 8, Joint Resolution relative to retirement credit for Mary S. Downey.

SB 89, providing for vested benefits for teacher members of group I who terminate after completing ten years of creditable service payable in accordance with the applicable service retirement benefits formula and making an appropriation therefore.

SB 82, providing for the standard allowance payable to a teacher member of group I under the New Hampshire Retirement System to be a modified cash refund and making an appropriation therefor.

SB 63, relating to arrest without a warrant.

HB 743, relative to the dispensing of controlled drugs.

HB 627, to provide for a county hospital administrator in place of one member-at-large, not a member of the medical profession.

SB 169, relative to transfers to the New Hampshire state hospital for observation.

SB 120, providing that each county must participate in and pay for the commodity food distribution program.

HB 222, requiring druggist to post a list of prescription drug prices.



HB 598, relative to misuse of special circumstance welfare grants.

SB 124, changing the classification of certain class V highways to class II highways.

SB 178, regulating business practices between motor vehicle manufacturers, distributors and dealers.

SB 123, allowing certain insurance transactions through credit card facilities.

HB 335, to provide for designate alternate members to serve in absence of the regular members of the N.E. Interstate Water Pollution Commission.

SB 149, relative to the location of hearing for proposed electric power plant and major transmission siting.

SB 156, relative to penalties for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission.

SB 115, naming a certain body of water in the town of Wakefield, Belleau Lake.

HB 582, amending the appropriation for the Winnepesaukee River Basin pollution control program.

Adopted.

Sen. Brown moved reconsideration of SB 123.

Motion lost.

Sen. S. Smith moved reconsideration of HB 582.

Motion lost.

Sen. Poulsen moved reconsideration of SB 178.

Motion lost.

Sen. Foley moved reconsideration of HB 222.

Motion lost.

Sen. R. Smith moved the Senate adjourn at 4:15 p.m.

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*Wednesday, 23May73*

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O God, we thank Thee for the beauty of this day, and the opportunity to be able to share in the joy of Thy creation.

May we so work together, to be able to help, through legislation, the needs of our people; in order that they may enjoy their share in all which life has to offer.

We ask this in the Name of Him who came to set us free. Amen.

Pledge of Allegiance was led by Sen. Bossie.

Sen. Porter moved that in accordance with the list in the possession of the Clerk, Senate Bills 250 through 259 and SJR 22 shall be, by this resolution, read a first and second time by the therein listed title, laid on the table for printing, and referred to the therein designated Committee.

Adopted.

#### INTRODUCTION OF SENATE BILLS

##### First, second reading and referral

SB 250, to permit the Barrington school district to withdraw from the Rochester authorized regional enrollment plan. (Green of Dist. 6 — to Education.)

SB 251, requiring bicycle riders to obey the rules of the road. (Claveau of Dist. 14 — to Judiciary.)

SB 252, providing for a reduction in the costs of administration of the Manchester district court. (Provost of Dist. 18 — to Judiciary.)

SB 253, increasing the membership on the Ambulance Service Coordinating Board. (Preston of Dist. 23 — to Public Health, Welfare and State Institutions.)

SB 254, relating to temporary investment of excess reserves

of savings banks in federal funds. (Poulsen of Dist. 2 — to Banks, Insurance and Claims.)

SB 255, relative to payment by the state of the cost of educating children living in foster homes and making an appropriation therefor. (Jacobson of Dist. 7 — to Education.)

SB 256, extending the application period for licensed public accountants. (Claveau of Dist. 14 — to Ways and Means.)

SB 257, relative to regulation of refrigeration technicians. (Brown of Dist. 19 — to Ways and Means.)

SB 258, relative to the legal length of lobsters. (Foley of Dist. 24; Preston of Dist. 23 — to Recreation and Development.)

SB 259, to repeal statutes providing emergency medical transportation services. (Lamontagne of Dist. 1 — to Public Health, Welfare and State Institutions.)

SJR 22, to reimburse Charles and Catherine Valenti for damage to their water supply. (Claveau of Dist. 14 — to Banks, Insurance and Claims.)

#### HOUSE CONCURRENCE WITH SENATE AMENDMENT

HB 697, relating to appeals by hospital service corporations.

#### HOUSE CONCURRENCE ON COMMITTEE OF CONFERENCE REQUEST

The House or Representatives has voted to accede to the request of the Senate for a new committee of conference on the Joint Rules.

The Speaker appointed as members of said Committee on the part of the House, Reps. G. Roberts, J. O'Neil, E. Coutermarsh and R. Chase.

Sen. PORTER: I moved that in accordance with the list in the possession of the Clerk, the following House Bills 846-773 shall be, by this resolution, read a first and second time by the therein listed title, and referred to the therein designated Committee.

Adopted.

HB 846, relative to the time of school district meetings in cooperative school districts. Referred to Education.

HB 739, relative to the selection of engineers and architects. Referred to Ways and Means and Administrative Affairs.

HB 857, permitting public employees to enter into a deferred compensation plan and authorizing the purchase of insurance and annuity contracts. Referred to Banks, Insurance and Claims.

HB 763, relative to the authority of the Director to close the season for hunting and taking deer. Referred to Recreation and Development.

HB 767, providing for the merger of unincorporated religious societies. Referred to Judiciary.

HB 178, relative to the amount of fees to be collected by the register of deeds for Rockingham county. Referred to Executive Departments, Municipal and County Governments.

HB 387, relative to providing a uniform open deer season throughout the state. Referred to Recreation and Development.

HB 773, relative to unsolicited merchandise and unfair trade practices. Referred to Judiciary.

#### ENROLLED BILLS REPORT

HB 628, relative to the use of illegal inspection stickers.

HB 697, relating to appeals by hospital service corporations.

HB 224, to reclassify a certain section of highway in the town of Orange.

HB 498, relative to the area school contract between the Rochester school district and the Strafford school district.

HB 576, relative to guardianship statutes.

HB 699, relating to investments of hospital service corporations.

HB 704, relative to the manner of election of delegates to the constitutional convention.

HB 761, relative to election procedures of the Contoocook Valley school district.

HB 786, relative to the name of certain buildings in Coos County.

HJR 11, appropriating funds to the New Hampshire American Revolution Bicentennial Commission.

HB 582, amending the appropriation for the Winnepesaukee River Basin pollution control program.

SB 93, prohibiting any person from riding in any type of trailer while being moved upon a highway.

Sen. Provost  
*For The Committee*

## RECESS

## OUT OF RECESS

## COMMITTEE REPORTS

### CACR 34

the legislature be allowed to impose taxes that are not proportional. Ways and Means and Administrative Affairs Committee recommends that CACR 34 be referred to the Constitutional Convention for consideration, Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, CACR 34, the committee felt that this matter would be best dealt with by the constitutional convention for consideration.

Sen. SPANOS: Mr. President, I sponsored this constitutional amendment and somewhere along the line the amendment did not follow the logical, legal and legislative process. Knowing full well that such an amendment as I am proposing would have no chance of seeing the light of day because of the time element I have agreed with the chairman of Ways and Means to send this to the constitutional convention. I know there that it will get a full hearing.

Adopted. Referred to Constitutional Convention for consideration.

Sen. Porter moved that the Senate adopt the committee of conference report with respect to the Joint Rules.

## COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred the



joint rules, having considered the same report the same with the following recommendation:

That the Senate concur in the adoption of the joint rules as adopted by the House; and

That the House and Senate each adopt the following amendments to the joint rules as adopted by the House:

Amend Joint Rule 10 by striking out the same and inserting in place thereof the following:

Rule No. 10. All bills and joint resolutions, which do not make an appropriation, shall be reported to the clerk for action in the originating house no later than the fourth Thursday in May and final action on all such bills and joint resolutions shall be taken by said house no later than the third legislative day after said date, provided that if any bill is sent to a committee of conference further action may be taken subsequent to said date by the House and Senate.

Amend Joint Rule 19 by striking out the same and inserting in place thereof the following:

Rule. No. 19. Any bill making appropriation for the administration, operation and maintenance of any department or departments for each or any fiscal year of the biennium, or a bill making general appropriation for the cost of land, public improvements and other capital outlays, itemized by specific projects or classes of projects of the same general character (the so-called Capital Budget Bill) shall be introduced into either the Senate or the House no later than May 1st, and any such bill shall be reported for action to the clerk in the originating house no later than May 31st and final action on all such bills and joint resolutions shall be taken by said house no later than the third legislative day after said date. The second house shall take final action on any bill no later than June 21st, provided that if any such bill is sent to a conference committee, further action may be taken subsequent to said date by the House or Senate.

Rep. George B. Roberts, Belknap 4

Rep. James E. O'Neil, Cheshire 2

Rep. Ernest R. Coutermarsh, Hills. 24

Rep. Russell C. Chase, Carroll 4

Conferees on the Part of the House

Sen. C. R. Trowbridge, District 11  
Sen. Frederick A. Porter, District 12  
Sen. Delbert F. Downing, District 22  
Sen. Harry V. Spanos, District 8  
Conferees on the Part of the Senate

Sen. PORTER: Mr. President, the committee on conference consisting of the Senate members, Sen. Trowbridge, myself, Sens., Downing and Spanos met with the House Conferees this morning and believe that we have worked out the reasonable set of rules as Sen. Trowbridge so ably explained yesterday as to what we are trying to do. We are changing Rule 10 and Rule 19. Rule 10 deals with bills that would not make an appropriation. It requires that they will be reported in to the clerk for action no later than the fourth Thursday in May. Final action on all these bills have to be within the third legislative day following the fourth Thursday. If there are bills for example that you know are not yet printed, the option of the committee chairman may report this bill in with either no report or the report that it ought to pass. Rule 19 is the same story except it deals with appropriations and this will provide an extra week of time that bills have to be introduced to the clerk for action no later than May 31 and then an additional three legislative days for action by each particular body. The final part of Rule 19 that final action on any bill either appropriation or non-appropriation has to be taken by June 21 except for committees of conference where or which can go on. I will urge the Senate to adopt this.

Sen. JACOBSON: Respecting Rule 10, if I understand it then the committee will make a report to the clerk of its actions by Thursday which is tomorrow but that we ourselves will not take action or final action until a week from Friday.

Sen. PORTER: By June 1, that's correct.

Sen. JACOBSON: And that with appropriation it is approximately one week later depending on whatever day you meet.

Sen. PORTER: Either the 5th or 6th of June depending on what day we meet.

Sen. JACOBSON: I don't understand the last part of Rule 10. Is it possible to have a committee of conference on the bill that hasn't first passed the House?

Sen. PORTER: That language isn't any different from previously. However that says that you may have committee of conference work going on after the date of introduction of the bill.

Sen. JACOBSON: Then really what it means is that we have committee of conferences after June 21?

Sen. PORTER: Yes, it does.

Sen. JACOBSON: (to the Chair) It was ordered that we meet at eleven o'clock on Thursday. Are we continuing that order?

The CHAIR: Yes, unless there would be good reason for the change.

Sen. JACOBSON: Mr. President, I would say if I may that given this rule that we have now there doesn't seem to be the need to meet at eleven but our need is to meet in committee.

The CHAIR: In answer to your question Senator, so far as the Chair understands the status of the Joint Rules at this time and appreciating the endurance of the committees I do understand that we must have all of the reports out of committee and out on the floor tomorrow even though final action need not be taken.

Sen. JACOBSON: Sen. Porter, it was my understanding of Rule 10 that the report was to be given to the clerk and publicized.

Sen. PORTER: That is the understanding of this member of the committee on conference the report shall be given to the clerk.

Sen. JACOBSON: So then we are not talking about final action on committee reports, tomorrow?

Sen. PORTER: No.

Sen. JACOBSON: So that we actually have three days to take action?

Sen. PORTER: Indeed.

Sen. TROWBRIDGE: For a committee chairman what is meant is that you have the white slip that you put in that says the committee on judiciary to whom it referred such and such

and you sign in those reports. That is the report and it should be in the hands of the clerk's office by 12 midnight tomorrow night. I believe like Sen. Jacobson that tomorrow would be a good time to get the paper work done.

Sen. R. SMITH: Is it possible to report a bill to the clerk without a recommendation and subsequent to that at a later period of time?

Sen. TROWBRIDGE: There is no question in my mind that even a committee can come out with a bill at this time.

Sen. DOWNING: Senator, isn't it true that the committee can submit their reports and they have SB's in their possession or SB's that they hope will be printed in time for the hearing that they should schedule these even if it is a no report-report.

Sen. TROWBRIDGE: You may recall yesterday when I spoke on this I said that we wanted some way to give a guarantee to a life for a bill that hadn't been printed. We decided in our wisdom that we weren't going to do that, through joint rules but we'll do that internally in each body. By whatever procedures, in this case the Senate, will adopt so long as the committees have set the bills out of committee with some sort of report so that they're all there and can be scheduled.

Sen. DOWNING: So you are saying that all SB's should be reported out no later than Friday?

Sen. TROWBRIDGE: No only that they have to, even though the report came in that you can have a later hearing, or if you don't have time for a hearing you can suspend the rules or whatever you have to do to satisfy your Senate rules but final action has to be taken on Friday. And if they don't have time for a hearing you can suspend the rules or whatever you have to do to have an appropriation they have to have it referred to Finance.

Sen. BRADLEY: Is it permissible under the Joint Rules as adopted to have the report go in tomorrow and then hold a hearing on that bill next Tuesday?

Sen. TROWBRIDGE: Yes.

Sen. BLAISDELL: Sen. Porter, what would I do with SB 258 relative to the legal length of lobsters. I just received it and I don't have any more committee hearings coming up.

Sen. PORTER: I could make several recommendations but you could move to vacate it out of your committee over to resources to provide an amendment. You could bring in a report based on your information and then schedule a hearing for Friday.

Sen. DOWNING: I rise in support of the motion to adopt the Joint Rules.

Sen. JACOBSON: In respect to what Sen. Trowbridge said, is there any possibility of modification of this meeting on Thursday.

The CHAIR: Yes.

Sen. TROWBRIDGE: I wonder if we know the other alternative. The possibility of having everybody meet in the morning and be here at one.

Sen. LAMONTAGNE: No. We meet tomorrow at eleven?

Sen. PORTER: I want to say that everyone thinks Monday is an option but it isn't, because if we use that as a legislative day that uses up one of our legislative days in the Joint Rules.

Sen. PORTER: Mr. President, since some folks would like to be in both places, and are concerned about some of the legislation that might be acted upon in their absence, we might act on only those bills which no one has any problem on.

Sen. JACOBSON: If we establish a consent calendar if a Senator has an objection of that bill being taken up, then it will not be taken up at the time and the bill will not come in under suspension.

Adopted.

Introduction of Robert Flanders, State Treasurer. To speak on the functions of his department.

TREAS. FLANDERS: Mr. President, Ladies and Gentlemen: RSA 6 establishes the Treasury Department under the direction of the State Treasurer. The department is divided into two divisions — the Administration Division and the Retirement Division.



*Duties of the State Treasurer*

1. Receive all money due the State of New Hampshire.
2. Pay all sums due by virtue of general or special appropriations of the legislature, on warrants drawn by the governor, and the principal or interest on all loans which may at any time become due. (In essence, the treasury is the banker for the state)
3. Maintain in suitable books, fair, detailed and correct records of all sums of money received into and paid from the treasury. Keep separate accounts with each officer entitled to a salary, and with each appropriation. Maintain separate accounts for the various boards and commissions. Take vouchers for all payments made by him.
4. With the approval of the governor and council, invest surplus funds of the state.
5. When there is not sufficient funds available in the various "state funds", borrow on the state's credit for short term periods.
6. Issue all permanent debt of the state and maintain all records pertaining to said debt. Exchange coupon bonds for registered bonds and reissue registered bonds when they are assigned.
7. Guarantee in the name of the state, when so authorized by the Governor and Council, Water Pollution bonds and School Building bonds.
8. Act as custodian of the following funds:
  - N. H. Retirement System
  - State Trust Funds
  - N. H. Rural Rehabilitation Corporation
  - Second Injury Fund
  - N. H. Cancer Commission Funds
  - Proof of Financial Responsibility Fund
  - Unclaimed and Abandoned Property Fund
  - Unclaimed Estates
  - Unclaimed Highway R-O-W Awards
  - Unclaimed Savings Bank Accounts
  - Unclaimed Savings Bank Deposits
  - Japanese Charitable Fund
  - Employees Subscription to U. S. Savings Bonds

White Pine Blister Rust Fund  
Motor Vehicle Road Toll Bond Account  
Withholding Tax Account  
State Employees and Political Subdivision  
Employees O.A.S.I. Account

9. Responsible for the collection of  
State Resident Taxes  
State Bond and Debt Retirement Taxes  
Public Utility Commission Assessments

10. Make the following distributions to political subdivisions:

Revenue from Business Profits Tax  
Interest & Dividends Tax  
Savings Bank & Railroad Taxes  
Meals and Room Tax  
Sweepstakes Proceeds  
National Forest Reserve Receipts  
Receipts from the leasing of Flood Control Land

11. Serves as Chairman of the Board of Trustees of the N. H. Retirement System, member of the Board of Trust Company Incorporation, member of the N. H. School Building Authority, and a member of the Trustees of the Japanese Charitable Fund.

12. Custodian of deeds to state owned property.

13. Administer the provisions of the N. H. Retirement System and the predecessor systems.

#### *Personnel of Department*

Deputy State Treasurer

23 Classified Employees in Administration Division

Secretary

Accounting Technician

3 People in our Receipts & Account section

2 People in our Cashiers Unit

2 People in our Tax & Securities Unit

2 People in our Bank Reconciliation Unit

12 People in our Appropriation & Disbursing Unit

Asst. State Treasurer and 12 Classified Employees in Retirement Division

Assistant Secretary

2 Stenographers

3 Accountants

3 Clerk Typists

3 Bookkeeping Machine Operators

*Budget (Gross)*

	1973	1974	1975
Administration	\$318,700.	\$357,900.	\$359,000.
Retirement	3,488,400.	3,745,900.	4,108,600.
(Above includes State cont, of)	3,250,000	3,489,100.	3,874,100.

The treasury is really a service agency for other departments. As the state and its agencies grow, so does the volume of work which we handle.

The following statistics will give an indication of the volume of work processed by our department in fiscal 1972.

798,000 checks written (66,500/month or 3,800/day)

52,340 manifests processed

10,390 wage records and W-2 forms

16,650 report of receipts

Receipts totalled — \$416,627,031.83

Payments totalled — \$416,201,973.74

State Debt — \$140,856,000.00

Contingent Debt — \$103,916,157.26

Investments — \$155,045,515.00

21,000 Members of the Retirement System on whom we must maintain, wage, contribution and service records.

2,200 Retired Beneficiaries whom we must pay monthly, and also monitor for deaths, change of option, and/or change because of attaining social security coverage.

*Immediate Needs*

1. A new accounting system.
2. A decision on the type of accounting system the state is going to follow: Cash, Accrual, a modification of either.
3. A delay built into the payroll system.

Needs for the future:

These depend on the desires of the Legislature. Presently we are operating at or above capacity, and need more staff. If the legislature is of the opinion that we should not maintain appropriation accounts, then our workload will decrease somewhat. If the legislature wishes to have the Department of C.D.P. write the checks of the state and also be responsible for the correctness of the same, then our office will become more of a cash and asset management operation.

Sen. PRESTON: In your mind, are the state retirement funds best situated to provide the best possible yield? Do you have some suggestions to improve on it?

Treas. FLANDERS: Under the present statutes they are. In the House now there is a bill HB 682, which will provide that trustees will be able to hire outside of the town and that the fees for said services will be charged upon the retirement fund and not be a legislative appropriation.

Sen. JOHNSON: Do all the State Departments turn the receipts over promptly or is there a lag somewhere?

Treas. FLANDERS: It varies. The minimal procedures approved by Governor and Council provide that they will turn over cash whenever it equals \$50. Most of the departments make a weekly deposit in our office.

Sen. JOHNSON: There was a question of a "drag" with some of them?

Treas. FLANDERS: There can be some "drag", yes. We will receive tomorrow the proceeds from the Liquor Commission for the weekend and last Saturday. There is a week's delay and some people call it a lag, but I think there has got to be some compensation to the banks for services that they provide to the liquor stores.

Sen. TROWBRIDGE: Mr. Treasurer, I'd like it if you would explain to the Senate the proposal we have for the fixing up of the payless pay day which I think has been a subject of some concern.

Treas. FLANDERS: I haven't seen your final draft. Our problem with the payless pay day is Friday morning we pay all

state departments and through the weekend and Thursday night and this is one problem as we haven't the time.

**SB 69**

relative to selling betting cards by the sweepstakes commission. Ought to pass with amendment. Sen. Foley for the Committee.

**AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Permitting the Sale of Betting Cards. Amend RSA 284 by inserting after section 21-r, the following new section:

284:21-s Betting Cards. In addition to the duties enumerated in RSA 284:21-h-i, the sweepstakes commission shall establish rules and regulations to implement the operation of a game of skill in which eligible purchasers may try to select the winner of various sporting events including but not limited to baseball, football, basketball and hockey contests and special sporting events. However, any form of horse racing or greyhound racing shall be excluded from the provisions of this section.

I. The commission shall prepare a listing of weekly sporting events on appropriate cards or schedules for dissemination to the public in a manner to be determined by the commission.

II. Prize payment shall be on a pari-mutuel basis, wherein winners share in a pool or pools which constitute a fixed percentage of gross revenue. The types of pools and the percentage of prize payout of gross revenues will be determined by the commission.

III. The commission shall make such other rules, regulations and conditions as may be necessary to implement the purpose and intent of this section.

IV. Anyone eighteen years of age or older may purchase betting cards. The price per card shall be one dollar, except that combination betting on a single card may be allowed by the commission such that the price with combinations shall not exceed sixteen dollars.

V. Weekly, the commission shall determine those persons eighteen years old or older whose skill has enabled them to share



in the winners pools. The commission shall remit to each winner a sum of money which is his share of the pari-mutuel pool (s) .

VI. The commission shall keep accurate records as to all sums of money received in fees and all sums paid out to winners as a result of this game of skill. Any profit realized shall be paid to the state treasurer for handling and distribution pursuant to the provisions of RSA 284:21-j.

## 2 Appropriation.

I. There is hereby appropriated to the sweepstakes commission for the fiscal year ending June 30, 1974 the sum of two hundred forty thousand dollars for the purposes of this act. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

II. There is hereby appropriated from the funds received under RSA 284:21-s such funds as are necessary to carry out the purpose of this act to be expended by the sweepstakes commission with approval of the Governor and Council. These funds shall be used after the appropriation contained in paragraph one has been expended. The governor is authorized to draw his warrant for the sums hereby appropriated.

Sen. FOLEY: Mr. President, SB 69 was split down the middle by the committee in regards as to whether we should bring this bill in with "ought to pass". Sen. Bossie is sponsoring the bill and he will explain it.

Sen. BOSSIE: Mr. President, I heartily endorse SB 69, as amended by the Finance Committee. It is no secret that there are illegal bookmakers operating within the state of New Hampshire. Not only do they do a disservice to those placing bets with them but these bookies deny both the state of New Hampshire and the federal government of tax revenue. SB 69 would remedy this situation. This bill as amended puts no risk at all upon the state of New Hampshire. There is a pool with payouts based on a per mutual basis. There is no head-to-head betting. And this is important because in head-to-head betting there is a chance the bookies will get to these people. There is a low investment by the state. The starting cost provided by Appropriations is 240,000 dollars, with permission for the Sweepstakes commission to receive further expenditures, but only upon approval of the Governor and Council.

Sen. BLAISDELL: Sen. Bossie, as you know I work on football, baseball and basketball in the state. Will this in any way have anything to do with Keene High School, or St. Anselm's College?

Sen. BOSSIE: I would say not Senator and mostly these games would have to be of national interest to attract interest.

Sen. BLAISDELL: Is this built into the bill? Does it say national games?

Sen. BOSSIE: No, it does not. But this would be the legislative intent. And I am sure that there would be no likelihood of putting this on the small game level.

Sen. BLAISDELL: I want to be sure that this would be covered because this would cause concern on my part.

Sen. BOSSIE: I would be against that too.

Sen. PROVOST: Would you explain the last paragraph on the top of 112?

Sen. BOSSIE: Yes. In setting up the Sweepstakes Commission there was a very difficult situation in determining the exact amount of expenditures. It is estimated at the start of \$40,000. It is difficult to know just how many employees will have to be employed.

Sen. Porter moved that SB 69 be indefinitely postponed.

Sen. PORTER: Mr. President, I have been thinking quite a bit about SB 69 and it looks to me that it is just one more instance where New Hampshire is failing to pursue its obligation. This bill if enacted would further erode the moral integrity of this state.

Sen. SANBORN: Senator Porter, I have heard testimony on this side that only sports of a national nature would be used. And my question is what high school is of national scope?

Sen. PORTER: I don't know of any high school of national scope. But even if they were excluded I would still be opposed to this bill.

Sen. JACOBSON: Senator Porter, in the testimony that you offered the Senate one of the reasons you gave was, if they are now doing things illegally we should work to reduce the

illegality rather than to legalize it. Now you will recall that we had vetoed bills and one of the arguments was that while it was illegal that they were in fact doing them. Did you support or oppose those bills?

Sen. PORTER: If I recall I did oppose the legalization on illegal act already processed. I assume I was consistent.

Sen. TROWBRIDGE: I rise in support of the motion to indefinitely postpone. This is a difficult decision in that it is alright for temptation to get more money without having to make taxation for it.

Sen. BOSSIE: Senator Trowbridge, were you referring to the Hudson Institute Report?

Sen. TROWBRIDGE: I am referring to the material you gave me.

Sen. BOSSIE: Well, is it not true that in this report that they recommended to the State of New York that a system of legal sports vending should be established providing highlight betting on many games. Isn't it not also true that this same report recommends that the extension of legal gambling should be directed more towards hurting organized crime than any minimizing revenue?

Sen. TROWBRIDGE: The Hudson Institute is in favor of getting more gambling, which is not anything more unusual. I was interested in this because another state went and studied this thing and made a very complete study and they decided that it had to be under their control.

Sen. BOSSIE: Sen. Trowbridge, is it not true that in New Hampshire under this bill no one will know the amount of the pool until after all the bets are in?

Sen. TROWBRIDGE: No, that's not true. You are going to know how many cards are going and you'll get a pretty good idea in a couple of weeks from the last week's pool and to what the next week's pool is going to be. Anyone who wants to find out these things can have a pretty good idea of what's going on.

Sen. JACOBSON: I hear that one of the arguments that you have against it is the question of single political jurisdiction. Now if I remember from living in England the English teams are also members of the International Football League

and play in Munich, Rome, Rio de Janeiro and Stockholm and that these games do in fact appear on the cards.

Sen. TROWBRIDGE: Yes, but you see one part of that team is under English jurisdiction whereas here Notre Dame plays Harvard and neither of them are under our jurisdiction. And in that thing the betting card also has the majority of their games under their jurisdiction.

Sen. JACOBSON: But the fact of the case is that in Rio de Janeiro or in Rome or in Munich the English authority does not have any control in that particular situation.

Sen. TROWBRIDGE: It is true but they have very strict control over all the betting parlors and all the people involved and the players?

Sen. JACOBSON: I think you made mention of Attorney General Kennedy and Emmanuel Sullivan. The essential difference as I understand it between Sen. Bossie's bill and what they were dealing with was that they were dealing with privately managed rather than publicly managed football pools. Is that not correct?

Sen. TROWBRIDGE: These statutes would also abide with publicly managed and privately managed.

Sen. FERDINANDO: I am against the motion. I think that Senator Trowbridge said some interesting things in his report. He said that organized crime would and has received considerable revenue from such operations and there is no question that they control it very definitely. And I think that the argument that we wouldn't have any control when the Chicago Bears played the Green Bay Packers is a system that won't change even if we have our own pool in New Hampshire.

Sen. PORTER: Senator Ferdinando, comparing the proposed betting structure that Senator Bossie has reported, do you think that the enactment of the Sweepstakes has eradicated any illegal operations in the state?

Sen. FERDINANDO: I think it has tended to put a stop to anybody else trying to create their own sweepstakes pool because they can't compete with the state.

Sen. LAMONTAGNE: Mr. President, I was here when the Sweepstakes Commission was organized and I had a lot to do



with the amendments that came before the Senate on the Sweepstakes and all I can say is that the estimated figure of 4 million dollars that were used were my figures and it was just to set up an example. So therefore, there was no prediction of how many revenues were going to be received. Besides that, gambling money is hard to guess as to how much you are going to get.

Sen. SPANOS: Mr. President, I rise in opposition to the motion pending. I supported the Sweepstakes Program when I was in the House and I did note that Senator Lamontagne had a lot to do with the passage in the Senate. I also supported the introduction of Greyhound Racing in the state. And I did so largely because I felt very strongly that the state of New Hampshire failed in the past to come up with a realistic tax structure which would fund these programs without the revenues that come from gambling or horse racing, or any of the sin taxes and because the state has failed and because I think the state shall fail for some time to come to reform its tax base, I supported these ventures. What we are going to be doing here however, is arguing in the reverse. We are going to argue that this is illegal gambling with the betting cards which are handled in the state of New Hampshire. The cards are sold in every nook and cranny of the state and they produce quite a bit of money for the gamblers and they return very little of it to the people on the bet. This is one more step we are taking to prevent organized crime from further solidifying itself.

Sen. JACOBSON: Senator, I think you were talking about the impossibility of getting other types of revenue, however, I noticed that you are a candidate for Governor. When you're governor will we have the possibility for new forms of revenue?

Sen. SPANOS: That's a very good question and I shall leave it for my first platform.

Sen. SANBORN: You said that you were in the House when the Sweepstakes was enacted and at that time there was much the same evidence that you heard this time about fears of organized crime. Has this happened?

Sen. SPANOS: As far as I know there is no organized effort in the sale of sweepstakes tickets, that I know of.

Sen. LAMONTAGNE: I rise in opposition to the motion. Although I don't feel that this is all of the answer in getting N. H.'s needed amount of revenue.



Sen. S. SMITH: I rise in support of the pending motion. I was here when the Sweepstakes were adopted and I don't need to knock the Sweepstakes but at that time there were great grandiose promises that it would solve our problems.

Sen. Downing moved the previous question.

Adopted.

Roll call was requested by Sen. Porter, seconded by Sen. Bossie.

Yeas: Poulsen, S. Smith, Gardner, Bradley, Nixon, Trowbridge, Porter, R. Smith and Johnson.

Nays: Lamontagne, Green, Jacobson, Spanos, Blaisdell, McLaughlin, Claveau, Ferdinando, Sanborn, Provost, Brown, Bossie, Downing, Preston and Foley.

Result: Yeas: 9; Nays: 15.

Motion lost.

Sen. Trowbridge moved that SB 69 be referred to the Fiscal committee of the General Court.

Sen. TROWBRIDGE: Mr. President, I don't think I'm a bad loser but I have talked to a number of people who although they don't want to vote against SB 69, realize that some of the questions that I have brought up are far remaining questions. Also the amount of money needed for equipment and advertising is really quite unsure and I would like to make this motion.

Sen. BOSSIE: Mr. President, I am opposed to this motion. I ask you to vote no on this.

Sen. PRESTON: I speak in support of the committee report though reluctantly. I think that the fears here are ones that were expressed about the Sweepstakes Program and I think that the Sweepstakes in New Hampshire is good.

Sen. Downing moved the previous question.

Adopted.

Roll Call was requested by Senator Gardner, seconded by Senator Trowbridge.

Yeas: Poulsen, S. Smith, Gardner, Bradley, Trowbridge, Porter, R. Smith, and Foley.

Nays: Lamontagne, Green, Jacobson, Spanos, Blaisdell, McLaughlin, Claveau, Ferdinando, Sanborn, Provost, Brown, Bossie, Johnson, Downing, and Preston.

Result: Yeas 8; Nays 15.

Motion lost.

Sen. Lamontagne moved the previous question.

Adopted.

Amendment adopted.      Ordered to third reading.

Sen. Bossie moved that the rules of the Senate be so far suspended as to place SB 69 on third reading and final passage at this time.

Division: Manifestly in the affirmative.

#### Third Reading and Final Passage

SB 69, relative to selling betting cards by the sweepstakes commission.

Adopted.

Sen. Bossie moved reconsideration of SB 69.

Motion lost.

#### SJR 6

relative to retirement credit for Francis J. Donahue. Ought to pass with amendment. Sen. Trowbridge for the Committee.

#### AMENDMENT

Amend the resolution by striking out the Whereas clauses and inserting in place thereof the following:

Whereas, Francis J. Donahue was employed as a state policeman prior to April 15, 1963 and

Whereas, He was again employed as a state policeman after September 14, 1964,

Further amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That notwithstanding any provisions of RSA 100-A and 103, Francis J. Donahue shall be entitled to receive retirement

credit for the period between July 1, 1958 and April 15, 1963, provided all required member state and employer contributions are paid to the New Hampshire Retirement System, as determined by the actuary.

Sen. TROWBRIDGE: Mr. President, this is a routine thing, Mr. Donahue will pay in \$14,028 of his own money plus \$50 for the fee of the auditors.

Amendment adopted.      Ordered to third reading.

**SB 165**

providing for per diem and expenses for State Council on Aging. Ought to pass with amendment. Sen. Foley for the Committee.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

providing for per diem and expenses for state council on aging and for expenses for state commission on the status of women.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Compensation. Amend RSA 167-A:4 as inserted by 1957, 264:1, by striking out said section and inserting in place thereof the following:

167-A:4 Compensation. The members of the council, excepting the advisory ex-officio members and their representatives on the council which serve in an advisory capacity, shall receive a per diem of twenty-five dollars for actual attendance at each meeting of the council and/or for actual attendance at each meeting of a committee of the council. The members of the council shall also be reimbursed for actual expenses, including any necessary travel connected with the council business at the mileage rate established for state employees, within the limits of the appropriation, therefor. Members of the council may request all per diem payments for fiscal year 1973 and the comptroller may authorize payment.

2 Compensation. Amend RSA 19-B:2, as inserted by 1971,

394:2, by striking out said section and inserting in place thereof the following:

19-B:2 Compensation. The members of the commission shall be reimbursed for actual expenses including any necessary travel connected with commission business at the mileage rate established for state employees within the limits of the appropriation therefor.

3 Effective Date. Section 1 shall take effect upon passage and section 2 shall take effect on July 1, 1973.

Sen. FOLEY: Mr. President, this bill provides compensation for the members of the State Council for the Aging for their attendance at the meetings. This is for actual mileage to and from.

Sen. LAMONTAGNE: Mr. President, I served on the Council of the Aging for four years and of course at that time there wasn't any reimbursement at all and let me tell you that it's very expensive.

Amendment adopted.      Ordered to third reading.

#### HJR 25

relative to an appropriation for Murphy House at the Laconia state school and training center. Ought to pass. Sen. Provost for the Committee.

Sen. PROVOST: Mr. President this Joint Resolution appropriates \$5,000 to the Laconia State School and Training Center. The sum appropriated is for the purpose of upgrading the electrical system at Murphy House at the school.

Adopted.      Ordered to third reading.

#### SB 175

relative to raising the limit on state agencies field purchases from fifty to one hundred dollars. Ought to pass. Sen. Roger Smith for the Committee.

Sen. R. SMITH: Mr. President, this is a very simple bill. All it does it raise the price on field purchase orders from \$50 to \$100. The present limit of \$50 was established in 1949.

Adopted.      Ordered to third reading.

#### SB 98

making the registered owner of a motor vehicle responsi-

ble for school bus overtaking and passing violations. Inexpedient to legislate. Sen. Lamontagne for the Committee.

Sen. LAMONTAGNE: This bill would make the owner of a motor vehicle responsible for the passing and overtaking of school buses. The majority of the committee felt that some innocent owner of a vehicle could be made responsible for something done by others who were operating their vehicle.

Sen. Green moved that ought to pass with amendment be substituted for the words inexpedient to legislate.

Sen. GREEN: SB 98 was originally introduced by myself because presently under the law any person who passes a school bus while it is stopped with its lights blinking there is very little that you can do to prosecute the person who violates this law. Under the present situation a person is brought into court on the basis of identification of the driver. From a practical point of view, the bus driver sitting up much higher than the automobile, it is practically impossible for the bus driver to identify the driver of the vehicle. I urge the support of the Senate.

#### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing that the motor vehicle record of person to whom the vehicle is registered is prima facie evidence that registered owner of vehicle was the driver at time vehicle illegally passes a school bus.

Amend RSA 262-A:52 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

262-A:52 Overtaking and Passing School Bus. The driver of a motor vehicle upon a highway, upon meeting or overtaking from either direction any school bus plainly marked with school bus signs or such other distinguishing identification as the director of motor vehicles may require, which has stopped on the highway for the purpose of receiving or discharging school children, shall stop his vehicle before reaching such school bus



at least twenty-five feet away from such school bus. The driver shall not proceed until such school bus resumes motion, or until flashing red lights cease to operate. The motor vehicle record of the person to whom the motor vehicle is registered shall be prima facie evidence that said registered owner was the driver of said vehicle at the time of any violation under this section.

Sen. Lamontagne moved that SB 98 be indefinitely postponed.

Sen. LAMONTAGNE: Mr. President, I personally feel that we have enough laws on the books for persons who are violating in passing a school bus. Now if we adopt this bill and the amendment as it has been proposed we are just again putting on some responsibility of an owner of a vehicle.

Sen. GREEN: Senator Lamontagne, are you aware that presently in the statutes that this same approach taken to identifying or holding a person responsible for actions of a person driving an automobile?

Sen. LAMONTAGNE: Yes, I am very familiar with the law.

Sen. GREEN: In the RSA's dealing with the new litter law it is very clearly stated in that law that a person regardless of who is driving, if there is litter thrown from an automobile that that is prima facie evidence and not to have the person come into court and say that he was or was not in that car at that time?

Sen. LAMONTAGNE: Senator, I am well aware of this because I was in opposition to that one too.

Sen. GREEN: Do you feel Senator that to drive an automobile is a right or a privilege?

Sen. LAMONTAGNE: It is a privilege.

Sen. JOHNSON: I'd like to rise in opposition to the current motion to indefinitely postpone. It seems to me that the most important thing that Senator Green has brought up is the safety factor. I think that this is the key here.

Sen. SANBORN: I think that Senator Green has given a good explanation of the problems that do occur. It seems that the good Senator from Berlin never drove a school bus. If he had he would know that he had responsibility of 30 to 40 kids.

Sen. GREEN: I rise in opposition to the motion on the floor. I feel that this bill has been in the Judicial committee and I think that the committee has given it a fair hearing. I've had the opportunity to get this bill to the point where it would not be in violation of one's constitutional rights and I feel that the bill is intact. I think the driver of the vehicle should be brought into court to substantiate his position as to whether he was responsible for the act that the vehicle was involved in.

Sen. CLAVEAU: Mr. President, I rise in opposition to the pending motion and support that the motion ought to pass.

Sen. LAMONTAGNE: I'd like to answer Sen. Sanborn that I've driven all types of vehicles and that includes buses. And therefore I'm very familiar of what the responsibility is of a driver.

Division: Yeas: 8.

Nays: 11.

Motion lost.

Sen. GREEN: I move the previous question.

Adopted.

Amendment Adopted.      Ordered to third reading.

### SB 103

relative to a statutory collection fee for all goods and services sold on open credit. Referred to Judicial Council. Sen. Claveau for the Committee.

Sen. CLAVEAU: SB 103 sponsored by Sen. Sanborn would establish a perpetual collection fee of 25% on all bills that have not been paid after 30 days. This bill would help the small business man who doesn't have a staff. We feel that it would be best to send this to Judicial Council for study.

Sen. SANBORN: Why are you sending this to study in the Judicial committee?

Sen. CLAVEAU: It appeared that many of the merchants and service people charged an 18% credit a year interest charge for collecting and as this may be accomplished with existing laws we want to send this to the Judicial Council for review.

Sen. LAMONTAGNE: I felt that this bill would hit a lot of small people. I voted in favor that this bill be returned to Judicial study.

Adopted.      Referred to Judicial Council.

**SB 118**

providing a ten year statute of limitations on the legacy and succession tax for title purposes. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this bill brings into line some state statutes with federal statutes with a limitation of ten years on succession. What it attempts to do under present law — a lien, the non-payment of legacy tax will remain as a lien forever unless it is eventually cleared by the transfer of title. What this does is make property unmarketable and it also tends to be a hardship on anyone buying land or a home.

Adopted.      Ordered to third reading.

**SB 130**

to indemnify officers and employees of municipalities and school districts from liability for damages and to allow insurance coverage for the liability. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill has three features to it. The first two provide for identification of public officers who are acting in the course of their employment when they get sued. I think it will best illustrate this by two examples. From the area of school districts. The first situation is where a school board and a superintendent decide not to rehire a teacher. The teacher then feels that her federal civil rights have been violated and brings action against the school board on the civil rights act. Now the federal civil rights act give the teachers the right to sue the school board members individually and to sue the superintendent individually. Now what this bill does, is not change the federal law but it says that if the action of the official was taken in his official capacity and it was not a malicious action that the school district would be required to stand behind the individual and to pay legal expenses in any judgment that might be recovered against the individual. This has happened and is happening very often in this state. The other part is a situation where an employee of a municipal cooperation is charged with negligence leading to the injury of a person. The third part of the bill is that it authorizes the various municipal corporations to purchase insurance to cover for this type of liability. This is the type of insurance which is now becoming known as Errors and Omissions Insurance.

Sen. POULSEN: You used your illustration school board. Does this also apply to selectmen?

Sen. BRADLEY: Yes, I could use the same illustration.

Sen. POULSEN: I have a policy that protects you from decisions you have made. Is this a similar coverage?

Sen. BRADLEY: Yes, that would be the same type of coverage.

Sen. POULSEN: I rise in wholehearted support of this bill. It has become quite fashionable to sue people especially the selectmen who are constantly under the threat of it.

Sen. PRESTON: If the planning board makes an error in its decision the private citizen has recourse through the courts?

Sen. BRADLEY: Yes.

Sen. JOHNSON: Under this bill is it possible an individual instead of buying insurance to pay a claim to appropriate money to pay a claim to defend their option?

Sen. BRADLEY: Yes, indeed.

Adopted.      Ordered to third reading.

## SCR 8

providing for the establishment of a joint legislative committee on improvement of law enforcement and criminal justice. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: SCR 8 was introduced by Senate Minority Leader Senator Foley and myself and it precipitated some action during the hearing last week. However, the committee did hear the bill and recommend that it ought to pass. SCR 8 provides for a specific legislative committee to deal with the various areas of criminal justice, crime prevention and law enforcement, etc. To develop an effective state local criminal system the legislature should be an integral part of the planning process.

Sen. JACOBSON: Does this bill have a continuous life?

Sen. PORTER: So far as I understand it, it would have a continuous life with new members being appointed by each legislative session. In other words you could only serve while you were a member of the legislature.

Sen. JACOBSON: Is there anything that prohibits the present joint Judiciary committee from performing the same function?

Sen. PORTER: Not in reality, Senator. There would be no reason that they could not also serve this function. You might bring in a bill to create a commission to study uniform vehicle laws or something of that nature.

Sen. JACOBSON: Is there a distinction between a commission or a committee established which involves not only legislative members but also other persons either in some position in state government or from the general public and that which is constituted only by legislative members?

Sen. PORTER: The distinction being is that this committee would be named solely by the President and the Speaker and would be just legislative members and they would work for example with the Governor's Commission on Crime.

Sen. JACOBSON: I read in the Concord Monitor the support of this resolution in which it denominated this as a watch dog committee of the Crime Commission. Is that the intention of this legislation?

Sen. PORTER: This legislation has the intent of providing communications between the Legislature and the Crime Commission and helping with them and working with them. I would not call it a watch dog committee.

Sen. JACOBSON: Is there anything that prohibits the joint Judiciary Committee from acting as a watch dog committee on the Crime Commission?

Sen. PORTER: To my knowledge there is not.

Sen. JACOBSON: Mr. President, I am not going to fight this resolution although I am inclined to do it, on the simple grounds that in the last session of the legislature we established a principle and that principle was that we would not have these legislative committees which contained only legislators and that we would have the present standing committees operate in the interim. I personally believe that the joint committee or a sub-committee of the joint committee should handle this job just as well. And if we go along with this then we can go along with



any other law and we will have the same old proliferation of the interim committees vying for special purposes.

Division: Yeas 8, Nays 9.

Motion lost.

**SB 83**

relative to establishing a study committee to determine feasibility of having domestic relations matters heard before the probate courts. Ought to pass with amendment.

Sen. BRADLEY: Mr. President the amendment which is proposed by the committee is printed in full in today's Calendar. The original bill was to simply have the study committee study the feasibility of having the probate judges become full time judges and having the domestic jurisdiction, that is divorces, transferred from the superior to the probate court. Now this is a notion which has been around for a long time and has been studied for a very long time. There has been at least two major studies done on this question of transferring domestic jurisdiction to the probate courts. One is the study by the Governor's Commission on Improvement of the Court System and the other was the Judicial Council who studies this and made a report of it. The Judicial Council when they studied this matter also proposed a carefully drafted statute to carry this idea into effect. The basic arguments that have been given in favor of this particular kind of legislation were given by the Governor's Commission which I referred to. There are six purposes to be achieved by this type of legislation. 1. It would permit one judge to oversee the same case which is not the case in the superior court where the judges move around on circuit. 2 It would supervise the integration of jurisdiction over matters involving inter-family relations. 3. It would permit litigants to receive a more prompt hearing and avoid interfering with the congestion of court and jury trial from the superior court and this is very important because our superior courts do in most instances, have serious backlogs. 4. It would permit litigants to appear before a judge of a constitutional court rather than a clerical court as is now often required because of the congestion of the superior docket. 5. It would permit New Hampshire to remove from its judicial system a large vestige of the archaic peace system. 6. It would permit the state to take another step toward the object of the full-time judicial system eliminating the problems

inherent with a part-time judiciary. The bill has an effective date on it as you will note on page 120, which is quite significant. The only thing which is effective this year are sections 13 and 14 which simply say that the probate judges in the next few years may be used as masters or referees to hear divorce cases and under 14 it sets up a study committee consisting of the probate judges who will study the problems inherent in bringing this jurisdiction about. The rest of this will take effect on July 1, 1978. This is perhaps one of the most important bills that our committee has reviewed this session in a step toward making our judicial system more professional.

Sen. PRESTON: In all the counties now are full-time probate judges required by this bill? And is there enough business for this?

Sen. BRADLEY: The present system is that probate judges work part-time. I think in most of the cases they are lawyers and have a practice on the side. I think the answer as to whether we need full-time probate judges is that in some of the counties we will undoubtedly not need a full-time judge, to be in that county all of the time and this does have provision in it for a judge from a county which isn't required on a full-time basis to shift around.

Sen. PRESTON: Is any information provided to the committee of the existing salaries of the probate judges by county?

Sen. BRADLEY: That information was told the committee members. The salary as provided in this when the judges do become full-time would be \$1,000 less than what the superior judges get.

Sen. PRESTON: Does this legislation make it mandatory that the county abide by this by 1976?

Sen. BRADLEY: No, 1978.

Sen. JACOBSON: Was there any hearing held on the amendment?

Sen. BRADLEY: On the amendment as such, no.

Sen. JACOBSON: How many people appeared at the hearing of the original bill?

Sen. BRADLEY: I believe there were two or three Sena-

tors, Mr. Samuel Hayes and Mr. Morse appearing on behalf of the Probate Judges Association.

Sen. JACOBSON: Did Mr. Hayes or Mr. Morse speak on the question of the amendment?

Sen. BRADLEY: They did not speak on it at the hearing but they have spoken about it since and were in favor of the concept.

Sen. JACOBSON: How many members of the Judiciary Committee were present when the question was voted?

Sen. BRADLEY: I don't recall. My estimate would be that there were probably not more than five of the eight there at the time.

Sen. JACOBSON: Would you believe me if I said there were three.

Sen. BRADLEY: It could have been.

Sen. JACOBSON: This bill does in fact establish the probate court system as the family court system along with probate in a project period?

Sen. BRADLEY: Yes, in a sense but they probably now have most of the jurisdiction dealing with family matters, such as adoption.

Sen. JACOBSON: The fact of the case is that the central issue is the transfer of the divorce from the superior court?

Sen. BRADLEY: That is the question. Divorce and annulment.

Sen. JACOBSON: Would you accept an estimate that there are about 2,600 divorces per annum and about one hundred adoptions. Would that be a fair estimate?

Sen. BRADLEY: The number of divorce proceedings and supplementary hearings amount to nearly 6,000 per annum and nearly half of these cases are entered into the superior court.

Sen. JOHNSON: You started out by establishing a study committee and established a committee by applying these probate judges as referees?

Sen. BRADLEY: The two sections of the bill which become effective this year: 1. Establishes a study committee. 2.

This would authorize referrals on a case to case basis from the superior court to particular probate judges who act as the judge in that case. They do not have this authority at the present time and this would be a help in the interim to relieve some of the pressure from the superior court.

Sen. JOHNSON: This study committee would consist of the probate court judges?

Sen. BRADLEY: That's the idea. They are going to study the problems of implementing this particular legislation.

Sen. SPANOS: Currently under the existing probate set-up the judge receives a salary and then he also receives a ten dollar fee for special sessions when he is not serving in his regular capacity. Now under your bill what happens to those fees? Do they terminate? Will they go into the county treasury?

Sen. BRADLEY: Basically that type of fee system which I alluded to earlier as being rather inconsistent with the concept of a judge dispensing justice and then asks you for ten dollars before you sit down that part of the system would be eliminated in this. Now there might be fees such as filing fees.

Sen. FOLEY: What happens to the fees for people who want to go in and want a waiver for a marriage license or blood test? Are these included in the money that people would normally pay?

Sen. BRADLEY: The distinction would be between you have to pay a certain fee but you wouldn't have the judge to pay for the hearing.

Sen. JACOBSON: Mr. President, I rise in opposition to the amendment as proposed by the committee. First of all we are taking an immense step and change without there ever being a public hearing on that issue. Secondly, we do not know what the cost will be for the county. There has been no investigation of this. I think we should give very careful consideration before we adopt this amendment. And thirdly, I am not sure that the system for handling domestic situations as this bill would contain is the right and proper system given our whole sociological tradition today. It is interesting to note that this system grew out of the English common law in response to the old Roman system when it got tangled up in the questions of heresy. And heresy is not really a problem today. There are alternative sys-

tems and I believe that a significant study commission which would include probate judges, members of the bar and of the public ought to be established and come back with a report in the next two years.

I am opposed to this amendment and its establishment at this time.

Sen. BRADLEY: You are aware that this same bill has been introduced in higher sessions of the legislature where there were public hearings on the bill?

Sen. JACOBSON: I am aware of that but I don't think that that fact stands in support of the fact that we have not heard a hearing at this time.

Sen. S. SMITH: I rise in opposition to the pending motion and in favor of the committee report. This has been a concept which has been developed for years in these halls. Senator Bossie's bill was amended to provide that this limited system be adopted in 1978 so that time can elapse to adjust to this system. We have had two reports favorable to this. What this bill will do is take some of the case load away from the superior court and place it in the hands of the probate court and therefore we will not have the necessity of increasing the number of superior court judges.

Sen. S. Smith moved that SB 83 be recommitted to the Committee on Judiciary.

Sen. GREEN: If this is recommitted back to committee, how much time does the committee have to report this back?

Sen. S. SMITH: It could be reported out by the first of the week.

Adopted.

Sen. Blaisdell moved that we reconsider our action on SCR 8.

Adopted.

## SCR 8

providing for the establishment of a joint legislative committee on improvement of law enforcement and criminal justice.



Sen. Porter moved the committee recommendation of ought to pass.

Sen. BLAISDELL: Mr. President, I made this motion due to the absence of Senator Foley as she had a hearing and I believe she is a co-sponsor with Senator Porter.

Sen. FOLEY: Mr. President, I felt that when I co-sponsored this resolution that the legislature should take a look at the system whereby we rehabilitate or try to prevent criminals. At the committee hearing there were lawyers and other people.

Sen. JACOBSON: An editorial appeared in the Concord Monitor that said that this would be the watch dog committee of the Crime Commission. Is that your intent?

Sen. FOLEY: No, it wasn't.

Adopted.

Sen. NIXON: Mr. President and members of the Senate. I want to speak briefly on behalf of the adoption of the committee report. I was aware of the resolution long before any flak involving the Crime Commission occurred and at one time I considered sponsoring it but I had other things to sponsor and I fully endorsed it at that time with the sponsorship of the majority and minority leader. At the hearing of this particular resolution it was supported not only by the former executive director of the Governor's Commission on Crime and Delinquency but also by the present executive director Mr. Crowley and also by the then chairman of the Commission, Mr. Carlton Eldredge, a distinguished Rockingham County attorney who has since resigned or been removed from that position. The purpose of this resolution very simply is to provide the legislature an opportunity to have a greater say in the expenditure of public funds in the particular area of law enforcement. Right now as you know these commissions on Crime and Delinquency are set up pretty much by federal legislation and implemented by the Executive Department alone and the legislature and involves substantial amounts of money in an area of endeavor that is very crucial to people at the grass roots and local level. Understanding that fact, the elected representatives of the people do not have enough to say about how these funds are spent. And I am talking about the substantial monies that are available for the good work of the Governor's Commission

on Crime and Delinquency. And it is for that reason and whether or not it is a watchdog committee, I suppose depends upon the Commission and how it conducts itself and the validity of all the particular functions. However, it is not the purpose of this resolution to do this. It was the purpose of the resolution in this state to give the elected representatives of the people, the legislative branch if you will, more say and more influence and power in this very important area — that being of law enforcement and the administration of justice. For these brief reasons for which I ask your help, I hope you will support committee report in respect to this resolution.

Sen. PRESTON: Are you saying that the Governor's Commission supports this?

Sen. NIXON: Yes.

Sen. JACOBSON: I believe you said in your testimony that the legislative representative should have a significant say.

Sen. NIXON: I think that's a fair summary of what I said.

Sen. JACOBSON: Are the present members of the Senate Judiciary Committee and the House Judiciary Committee do they fall into the category of legislative members and elected representatives?

Sen. NIXON: There's no question about that Senator, but this is an area like so many areas like you have sponsored in the interim committee legislation such as uniform traffic laws, such as the question as to whether or not the supreme court is intervening in the legislative area, this calls for a special committee with no other function.

Sen. JACOBSON: Did I not sponsor the legislation of which you spoke of prior to the establishment of the principle of having the standing committees as being the standing committees and having a continuing life?

Sen. NIXON: I think you did in some case and I think you sponsored even in this session resolutions calling for the establishment of standing committees. I may be wrong.

Sen. JACOBSON: Is there a distinction between the establishment of a commission which employs persons outside of the legislature and a committee that is composed of only legislative members?

Sen. NIXON: Yes, the difference is that one commission has members outside the legislature and one does not.

Sen. TROWBRIDGE: Senator Nixon would you explain to me whether there was in fact a rule established that all study committees would be standing committees?

Sen. NIXON: I'm sorry I cannot tell you at this time.

Sen. JACOBSON: Well, Senator it was established by statute.

Sen. TROWBRIDGE: What statute?

Sen. JACOBSON: The statute that replaced the interim legislative committee.

Sen. TROWBRIDGE: Now, I know what you are referring to. In establishing that, in place of the interim study commission, it was in no way meant to preclude having a special commission of a varied nature.

Sen. JACOBSON: But Senator the whole argument was to abolish all of them as much as possible, including that one.

Sen. TROWBRIDGE: That may be your remembrance Sen. Jacobson but I fully agree that the idea was to use the legislative standing committee in place of the old legislative council. There was no attempt to outlaw special legislative study committees. Is this not true?

Sen. JACOBSON: Well, I would have to agree with you that there was nothing in the statute that outlaws this. I am only saying that I think that we have a vehicle already as elected representatives in the legislature to do anything or study anything that we want to.

Sen. DOWNING: Senator, as Chairman of the Finance Committee there is a provision in here for mileage and expenses occurred with meetings within or out of the state? Is there any appropriation with this?

Sen. TROWBRIDGE: In answer to your question the legislative budget which is in the operating budget has provision for interim committees unless they are going to have an extraordinary amount of mileage in which case they do prepare specific appropriations.

Sen. SANBORN: I don't quite understand the discourse here between you and Sen. Jacobson. Is there or isn't there a standing committee of the House and Senate and Judiciaries between sessions?

Sen. NIXON: Yes. In each case there is but they are not joint standing committees. This provides for a joint standing committee with one function.

Sen. SANBORN: In other words there is a standing committee of the Judiciary of the Senate and of the House and they never work together?

Sen. NIXON: I'd be the last one to say publicly that the Senate Judiciary Committee and the House Judiciary Committee don't work together. But legally they don't necessarily work together during the interim session. Each may have referred to them the bills from that particular body and that's how it is done ordinarily.

Sen. BRADLEY: Isn't the point here the fact that even though we have judiciary committees that we have had no such subject matter referred for study and that the Judiciary committee is going to study this problem? If we want this issue studied then isn't this the vehicle to do it?

Sen. NIXON: That is the first part of the answer. The second part is that in my judgment and in the judgment of those who have been involved in this type of concept elsewhere including Mr. Nader and apparently by reason of their testimony before the Senate Judiciary Committee, Mr. Crowley and Mr. Eldredge, this is the way it should be done in the best interests of the study.

Sen. JACOBSON: Is it not true that a Senate committee can hold hearings and study anything that it wishes under the rules?

Sen. NIXON: I think that may be so. Let me say that ordinarily once the Senate adjourns most such committees by reason of the fact that we all are required to turn our minds toward our occupations in the remaining years and earn our living so to speak, don't start initiating things that are as tremendous and challenging as this concept.

Sen. JACOBSON: I wish to be recorded as being in opposition to the bill.

Sen. Lamontagne moved the previous question.

Adopted.

Division: Yeas 13, Nays 7.

Resolution adopted.

Sen. Jacobson wishes to be recorded against SCR 8.

Sen. Bradley moved reconsideration of SCR 8 at this time.

Motion lost.

### **SB 173**

providing for legal service corporations which shall offer legal insurance. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill would establish the equivalent of Blue Cross and Blue Shield with respect to legal expense. With a couple of important variations. This is a bill which is urged on the committee with the principal speaker in favor of the bill the insurance commissioner. The two principal differences between this type of set-up is that the contracts between the corporation and the attorney would be subject to the approval of the commissioner and the second feature being that the board of this corporation would consist 70% of members of the public and it would not be therefore run by members of the bar. This is a first in the nation.

Sen. SPANOS: Mr. President, this is my bill. I came into the Senate early in the session with the concept that I wanted to become involved in providing this type of legal service and I learned that the Commissioner of Insurance also had a similar plan and his office drafted the measure. My main concern was that I thought there was a special need to make legal service available to the public. The people of the higher income bracket have easy access to legal service. A vast majority of the people, the middle income group, at least 70% are not adequately serviced. Some of the reasons are fear of excessive cost. And the second is psychological. It relates to the relative inaccessibility that television has created. And thirdly there is a general lack of understanding. This is especially true in the area of preventive legal services, where early advice could and can prevent



deeper troubles later. I envision this to be inexpensive because it's a non-profit organization that will be created. There is adequate control and supervision. The public will be the majority of the board of directors so that it will not be overshadowed by the legal profession and what makes it more important is that right now profit-making insurance companies are beginning to market such plans and I think that within the next 10 years there will be 13 million people that will be involved in purchasing legal service. I hope we get ours started so that our people can pay the minimum for the insurance premium that they'd have to pay. I hope you will support this bill that I feel is a good one.

Adopted.      Ordered to third reading.

#### **SJR 14**

providing a supplemental appropriation for payment of counsel for indigent defendants. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this SJR provides for an appropriation for the payment of indigent counsel fees. If a person is indigent he may apply for the appointment of counsel and the state will pay his legal fee. This is paid out of the state account and that account is now \$22,000 and the Council estimates that it will take \$52,000 to take us to the end of the fiscal year and that is what this bill is calling for.

Adopted.      Ordered to Finance.

Sen. Bossie wishes to be recorded as not participating in the vote on SJR 14.

#### **SB 144**

providing funds for an increased statewide betterment highway reconstruction program to upgrade existing state highways. Ought to pass. Sen. Claveau for the Committee.

Sen. CLAVEAU: SB 144, sponsored by Sen. Brown would provide 5 million dollars for the Veteran's Program of the State Highways. This is due because the state funds are unavailable. There was no one in opposition to this bill and the committee was unanimous to accepting this bill.

Sen. BROWN: Mr. President, there are approximately 460 miles of boundary roads, 22 hundred miles of secondary roads

and all of us who have traveled the state many times know the poor condition that these roads are in. And one of the reasons may be that through the past years the Public Works and Highway Department in their budget received a million six hundred and sixteen thousand dollars to try and keep these roads up. But from that money comes a million dollars for reservices. This bill was started through the Public Works and Highways to update these roads to make them safer to ride on.

Adopted.      Referred to Finance.

## RECESS

### OUT OF RECESS

#### HCR 6

to petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools. Ought to pass with amendment. Sen. Poulsen for the Committee.

#### AMENDMENT

Amend the title of the resolution by striking out same and inserting in place thereof the following:

to petition the Congress of the United States of America  
to call a convention to propose an amendment to the  
Constitution of the United States permitting voluntary  
prayer in public schools.

Amend the resolution by striking out everything between the title and the resolving clause and inserting in place thereof the following:

#### MEMORIAL

To the Honorable Senate and House of Representatives of the United States Congress Together Assembled, . . . . .

We, your memorialists, the Senate and House of Representatives of the State of New Hampshire in General Court Assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, Article 1 of the Amendments to the Constitution of the United States which provides "Congress shall make no

law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances," has been construed by the United States Supreme Court to not permit organized prayer in public schools; and

Whereas, the Legislature of the State of New Hampshire believes that voluntary prayer in public schools should be permitted as being consistent with the guarantees the founding fathers of the United States of America intended; and

Whereas, the Legislature of the State of New Hampshire believes that Article 5, Part First, of the Constitution of New Hampshire has recognized every individual's natural and inalienable right to freedom of worship in accordance to the dictates of their own conscience, and this the Legislature of the State of New Hampshire believes to encompass the right of individual students in public schools to voluntarily say prayers of their own choosing on appropriate occasions in accordance with the dictates of their own conscience;

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

I. THAT THE LEGISLATURE OF THE STATE OF NEW HAMPSHIRE, hereby, and pursuant to Article V of the Constitution of the United States, make application to the Congress of the United States, to call a convention for the purpose of proposing an amendment to the Constitution of the United States to the effect that: "Voluntary Prayers Shall be Permitted in Public Schools at Appropriate Times, Daily."

II. That attested copies of this concurrent resolution be sent to the presiding officers of each House of the Congress and to each member of the New Hampshire delegation in Congress, and that printed copies thereof, showing that said concurrent resolution was adopted by the Legislature of New Hampshire, be sent to each House of each legislature of each state of the United States;

III. That this application hereby made by the legislature of the State of New Hampshire shall constitute a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of

the several states shall have made similar applications pursuant to Article V.

IV. That since this is an exercise by a state of the United States of a power granted to it under the Constitution, the request is hereby made that the official journals and records of both Houses of Congress shall include the resolution or a notice of its receipt by the Congress, together with similar applications from other states, so that the Congress and the various states shall be apprised of the time when the necessary number of states shall have so exercised their power under Article V of the Constitution;

V. That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part, the Legislature of the State of New Hampshire interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary with the text thereof nor would it have power to propose other amendments on the same or different propositions;

VI. That the Legislature of the State of New Hampshire does not, by this exercise of its power under Article V, authorize the Congress to call a convention for any purpose other than the proposing of the specific amendment which is a part hereof, nor does it authorize any representative of the State of New Hampshire who may participate in such convention to consider or to agree to the proposing of any amendment other than the one made a part hereof;

VII. That by its actions in these premises, the Legislature of the State of New Hampshire does not in any way limit in any other proceeding its right to exercise its power to the full extent;

VIII. That the Congress, in exercising its power of decision as to the method of ratification of the proposed article by the legislatures or by conventions, is hereby requested to require that the ratification be by the legislatures.

Sen. POULSEN: This amendment eliminates the two amendments that were put on this bill when it was last here and strips it down into the form in which it came to us in the first place the House. In other words it asks that we ask Congress to call a constitutional convention to make the amendment to add prayer to our schools.

Sen. S. SMITH: Do you think it's a good habit to those people who don't believe in something to vote in favor of it?

Sen. POULSEN: Yes and No.

Sen. BRADLEY: This notion of brinkmanship that we seem to be playing with concerns me and I am wondering if we adopt this with the purpose in mind of goading the congress to action would it be possible that enough states do the same thing and we end up with a constitutional convention?

Sen. POULSEN: I think that this is in a form of a bluff to a certain extent. You have to have a certain number of states before it forces Congress to call a constitutional convention. The thinking I'm sure of both representatives is that as the tension mounts up the Congress will be edged into the possibility of and rather than facing the consequences of the constitutional convention, will then take action on the prayer on which they have dilly-dallied over all this time.

Sen. BRADLEY: After we've taken this action there is nothing we can do about stopping the process. What guarantee do we have that Congress may be scared by what we're doing?

Sen. POULSEN: I don't think that there is any way that you can guarantee a thing like this. Already three states have done this.

Sen. SPANOS: Senator Poulsen, about seven or eight years ago this same argument was used by members of this chamber and the other chamber about goading Congress into activity. And do you know we came within one state of ratification of a constitutional convention?



Sen. POULSEN: I was not aware of that. Did the procedure work at that time?

Sen. SPANOS: No, it didn't.

Sen. JACOBSON: I want to rise in opposition to the amendment as proposed by the committee on the one solid ground that it places us on record on calling a constitutional convention and all that that may well imply.

Sen. SPANOS: I rise in opposition to the amendment of the committee and I do so for the same reason as Senator Jacobson and because this body chose almost overwhelmingly to substitute memorializing Congress to do something about prayer in the schools and rejected the concept of the constitutional amendment and constitutional convention theory.

Sen. TROWBRIDGE: Senator Poulsen, would it be fair to say that the reason you're coming back with the original HB is that you don't think that the House would agree in a committee of conference to the Senate amendment?

Sen. POULSEN: I'm quite sure of that and I'm also sure that we're pleasing no one by amending this bill. Apparently the desire of the proponents of the bill is that the bill go through as it came from the House.

Sen. TROWBRIDGE: Then if I'm in favor of voting for a prayer amendment by not adopting your amendment I'm probably killing the measure?

Sen. POULSEN: I'll agree with that.

Sen. LAMONTAGNE: Sen. Poulsen. how come this was not reported as the House wanted it to come through?

Sen. POULSEN: This already transpired, Senator. This came on the floor about three or four weeks ago as it came from the House. An amendment was added by Sen. Jacobson and voted on. The second one by Sen. Bradley and voted on. The bill was passed with the two amendments. A day later Sen. Preston requested reconsideration and the bill was recommitted to the committee. And the committee amended the bill with an amendment that struck off the other two amendments.

Roll call was requested by Sen. Lamontagne, seconded by Sen. Poulsen.

Yeas: Sens. Lamontagne, Poulsen, Gardner, Nixon, Trowbridge, Claveau, R. Smith, Ferdinando, Provost, Bossie, Downing, and Preston.

Nays: S. Smith, Bradley, Green, Jacobson, Spanos, Blaisdell, Sanborn, Brown, and Johnson.

Result: Yeas: 12.

Nays: 9.

Amendment adopted.

Division: Yeas: 14.

Nays: 5.

Resolution adopted.

Sens. Bradley, Brown, Johnson, Jacobson and S. Smith wish to be recorded as voting against HCR 6.

Sen. LAMONTAGNE: I move reconsideration of HCR 6.

Motion lost.

## INTRODUCTION OF SENATE BILLS

SB 260, relative to the terms of office of members of the commission on the status of women. (Foley of Dist. 24 — to Executive Departments, Municipal and County Governments.)

SB 261, providing for the election of members to the county conventions as a separate county office. (Jacobson of Dist. 7 — to Executive Departments, Municipal and County Governments.)

## HOUSE CONCURRENCE ON ENROLLED BILLS AMENDMENTS

HB 13, prohibiting motorboats powered by fuel on Brindle Pond.

HB 315, revising the method of payment of the debt service and maintenance of the women's dormitory at New Hampshire Technical Institute in Concord.

## HOUSE CONCURRENCE

The House of Representatives has voted to adopt the recommendation of the Committee of Conference to whom was referred the Joint Rules.

## SUSPENSION OF RULES

Sen. BRADELY: I move that the rules of the Senate be so far suspended as to allow a hearing on SB 231, SB 260, SB 261, SB 250, SB 255 without the necessary two days notice in the Journal.

Adopted.

Sen. FOLEY: I move that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading by read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

## PERSONAL PRIVILEGE

Sen. SPANOS: Mr. President, yesterday, after considerable debate, the House voted against the suspension of the rules to consider SB 222 relating to a moratorium on the issuance of additional greyhound track licenses in this state.

This action on the part of the House and the Governor's intervention to oppose suspension was most disappointing.

I can understand (to some degree) the House's reluctance to suspend the rules as it represents their traditional concern for the public airing of all measures. But what is the reason for his Excellency's opposition? That's what I would like to know.

The passage by the Senate of SB 222 was a courageous, responsible and rational step. Certainly not an "emotional re-action" as the House and the Governor's spokesmen would make people believe.

Putting aside the beating inflicted on Commissioner Tom Tessier, the bill can stand on its own merits. As I pointed out yesterday, the moratorium will give us all time to reflect on whether we want more than two or three dog tracks in New Hampshire. I know that there are many of us who supported the introduction of greyhound racing who are disturbed that the licenses are unlimited. Is that emotional re-action?

It was also a conscious and deliberate move on the part of

the Senate to eliminate the possibility of future injuries being inflicted on the commissioners and their families. Is that an emotional re-action?

The passage of SB 222 as the part of a unanimous Senate was also an action putting the Senate of New Hampshire together with the Greyhound Commission in manning the barricade against crime, organized or unorganized. We asked the House and the Governor to join with us. Is that an emotional re-action?

In yesterday's House debate, one speaker said that it was a minimum beating — maybe even a publicity stunt. Then the Governor's press secretary told newsmen that Commissioner Tessier had *only* two stitches and not six. And today the Governor offers a reward for information leading to the conviction of the assailant. Their remarks and actions fail miserably to comprehend what is involved in the recent happenings.

Mr. President, a while back I indicated that when those in high office choose to ignore or rise above the law, the people lose their respect and confidence in government and the law. The re-action is predictable. The finger is upon us. That is why this most *audacious* assault concerns me the most and that is why I am most disappointed.

I know that the commissioners and their families will not sleep these nights — and I pray that there will be no further beatings — because if there are, there are going to be 145 House members and one Governor who are likewise going to have some sleepless nights.

### LATE SESSION

#### Third reading and final passage

SJR 6, relative to retirement credit for Francis J. Donahue.

SB 165, providing for per diem and expenses for State Council on Status of Women.

HJR 25, relative to an appropriation for Murphy House at the Laconia State School and Training Center.

SB 175, relative to raising the limit on state agencies field purchase from fifty to one hundred dollars.

SB 118, providing a ten year statute of limitations on the legacy and succession tax for title purposes.

SB 130, to indemnify officers and employees of municipalities and school districts from liability for damages, and to allow insurance coverage for the liability.

SB 173, providing for legal service corporations which shall offer legal insurance.

SB 98, making the registered owner of a motor vehicle responsible for school bus overtaking and passing violations.

Sen. Green moved reconsideration of SB 98.

Motion lost.

Sen. Lamontagne moved the Senate adjourn at 5:50 p.m. until tomorrow at 12:00 noon.

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### *Thursday 24May73*

The Senate met at 12:00 noon.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O God of our life and the salvation of our souls, hear us as we offer our morning prayer to Thee.

Embue us with a strong sense of desire to serve Thee, in order that we may bring help and consolation to those in need. Hear our prayer, O Lord. Amen.

#### PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Martha Levensaler, a state Senator in the Y.M.C.A. Youth in Government Program, held here in the Senate Chambers a few weeks ago.

#### RECESS

#### OUT OF RECESS

Introduction of Richard Upton, Esq. to speak on HB 714.

The CHAIR: I am asking the unanimous consent of the Senate to permit the distinguished chairman of the Fish and Game Commission, Attorney Richard F. Upton of Concord, to bring the Senate up-to-date on the developments on the boundary line dispute as pertains to any action we might take on HB



714 for purposes of laying the groundwork for the Senate to take such action.

Att. R. UPTON: There has been a lot of water over the dam since yesterday. As of yesterday after the arrests of Mr. Capone and with working with the House committees on HB 714 and in conference with the Governor, it seems desirable to try and pass HB 714 to strengthen New Hampshire's position in this controversy and at that time I was all in favor of it. But due to a new development yesterday afternoon that lasted until two a.m. this morning, and was very unusual. We were notified at four o'clock in the afternoon that the Attorney General of Maine was filing two actions against the Governor of New Hampshire and the officials of the Fish and Game Department. One in the District Court of Maine and one in the District Court of New Hampshire. Each have the same defendants, the Governor and the Commissioner of Fish and Game and in each case the appointed was the Attorney General acting as a plaintiff for Maine fishermen. They tried to get an individual fisherman to sign as co-plaintiff but they were unsuccessful. So we were notified to be down at the Wentworth-by-the-Sea yesterday because that's where all the federal judges were assembled for the Judiciary Conference of the first circuit. At ten o'clock last night after the speeches and the banquet was over they assembled in the ballroom and drew up a table and held court. The Attorney General of Maine flew in and the Attorney General of New Hampshire was there. Maine was seeking a temporary injunction against any further arrests by New Hampshire. It is unclear to us why this was taken as there has been none. And it came out at that time that both Governors had instructed their Attorney Generals to take this case to the United States Supreme Court. So both want to get it down to Washington and out of the local arena. I understand that's to happen at the beginning of the week. Both Attorney Generals will file.

It was finally agreed that during this period New Hampshire officers would not arrest any Maine fishermen in the disputed area if the Maine officers would not arrest any New Hampshire fishermen in the disputed areas. This was finally agreed to and they have a right to reconsider on Friday of this week. At that time the two federal judges said that if the agreement could not be extended until the first of the week or until

the time it takes to get the case filed in Washington, they would begin session on Friday to grant further amnesty. The Maine officials are most reluctant to continue this agreement any longer than they have to. So the situation where it is, they are both trying to work this down to more peaceful avenues. I think that HB 714 might well wait for another few weeks, because we have given assurances to the two judges that we would try not to do anything inflammatory.

Sen. PRESTON: I understand from talking to Mr. Douglas that the Governor might not have been aware of what transpired late last night.

Att. R. UPTON: Mr. Rudman and I talked to him only once to see if he would agree to this proposal. We didn't get back to him after that to tell him that it might have a premature ending.

Sen. PRESTON: Is it your opinion then that he doesn't consider it a matter of urgency?

Att. R. UPTON: I have been unable to reach him. But I recommended that we hold off a little bit.

The CHAIR: Is it your feeling, Mr. Chairman, that if we do take precipitous action that it might aggravate the emotion as opposed to the merits of the agreement that has so far been tentatively reached?

Att. R. UPTON: I think we should be concerned about the effect it might have upon the two federal judges.

Sen. JACOBSON: Do you have an appointment with the Governor at two-thirty?

Att. R. UPTON: I believe so.

Sen. JACOBSON: Then would you also respond back so that we may know if we may suspend and vote in Derry?

Att. R. UPTON: I will do the best I can.

Sen. FOLEY: Were there any other members of the boundary commission present or were you just the only one?

Att. R. UPTON: I was the only one last night. I went because I thought they might want to call me as a witness.

Sen. Porter moved that in accordance with the list in the

possession of the Clerk, Senate Bills 262 through 265 and CACR 35 be by this resolution, read a first and second time by the therein listed title, laid on the table for printing, and referred to the therein designated Committee.

Adopted.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 262, relative to an alternate form of county government. (Bradley of Dist. 5 — To Executive Departments, Municipal and County Governments.)

SB 263, requiring quality service from public utilities. (Brown of Dist. 19 — To Public Works and Transportation.)

SB 264, relative to the penalty for vehicles exceeding gross weight and modifying the legal width of motor vehicles. (Lamontagne of Dist. 1; Poulsen of Dist. 2 — To Public Works and Transportation.)

SB 265, relative to witness fees for law enforcement officials. (Nixon of Dist. 9 — To Judiciary.)

CACR 35, Relating to: Line Item Veto and Legislative Mileage for Additional Deliberation After Such Line Item Veto Providing that: Separate Items in an Appropriation bill May be Vetoed or Reduced by the Governor and that Legislative Mileage Shall be Paid for Attendance in Consideration of Such Veto. (Spanos of Dist. 8 — To Finance.)

Sen. Porter moved that in accordance with the list in the possession of the clerk, the following House Bills 836 through 284 shall be, by this resolution, read a first and second time by the therein-listed title, and referred to the therein designated committee.

Adopted.

## HOUSE MESSAGES

### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 836, expanding the jurisdiction of the public utility commission to regulate water companies as public utilities, ex-

cept for municipal water companies. Referred to Public Works and Transportation.

HB 860, relative to the membership of the New Hampshire State Port Authority. Referred to Public Works and Transportation.

HB 842, permitting permanently disabled veterans to have a perpetual hunting and fishing license. Referred to Recreation and Development.

HB 802, permitting the city of Franklin to suspend the verification of the checklist. Referred to Executive Departments, Municipal and County Governments.

HB 804, establishing the ward lines and providing for re-districting of the city of Franklin. Referred to Executive Departments, Municipal and County Governments.

HJR 45, extending the special committee to study the effectiveness of the laws relating to access to and use of public buildings by the physically handicapped. Referred to Public Health, Welfare, and State Institutions.

HB 883, relative to the powers of county commissioners. Referred to Executive Departments, Municipal and County Governments.

HB 893, permitting county conventions to employ special legal counsel. Referred to Judiciary.

HB 578, relative to the duties of the division of welfare pertaining to child welfare. Referred to Public Health, Welfare and State Institutions.

HB 896, relative to health certificates for child-care agency personnel. Referred to Public Health, Welfare and State Institutions.

HB 805, relative to indemnification agreements between architects, engineers, or surveyors and owners, contractors or subcontractors. Referred to Judiciary.

HB 888, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1974 and June 30, 1975. Referred to Finance.

HB 601, relative to scholarships for orphans of veterans of the Southeast Asian conflict. Referred to Education.

HB 336, providing for the calling of a constitutional convention. Referred to Judiciary.

HB 376, providing for a commission to study the state constitution in preparation for the 1974 constitutional convention. Referred to Judiciary.

HB 489, to make the police standards and training council a permanent state agency and making an appropriation therefor. Referred to Judiciary.

HB 472, authorizing the department of education with school volunteer programs for continued services, and making an appropriation therefor. Referred to Education.

HB 310, relative to cooperative extension work at the University of New Hampshire. Referred to Education.

HB 644, relative to the holder in due course doctrine. Referred to Judiciary.

HB 892, to clarify the status of accountants under the statutes. Referred to Ways and Means.

HB 891, relative to all county accounting reports. Referred to Executive Departments, Municipal and County Government.

HB 708, relative to fraudulent receipt of welfare assistance. Referred to Public Health, Welfare and State Institutions.

HB 657, establishing a multi-use statewide trail system. Referred to Recreation and Development.

HB 548, revising the day care advisory committee to provide for representation by users of day care facilities. Referred to Public Health, Welfare and State Institutions.

HB 634, relative to any type of advertising attached to objects of nature whether such advertising be upon primary or secondary roads. Referred to Resources and Environmental Control.

HB 775, relative to retail sales agreements. Referred to Judiciary.

HB 830, clarifying the statutes on explosives. Referred to Judiciary.

HB 734, relative to the establishment of new positions in



the county government of Hillsborough county. Referred to the Hillsborough County Delegation.

HB 618, increasing the commission on pari-mutuel pools at horse and harness races and changing the tax payable to the state. Referred to Ways and Means.

HB 776, clarifying tax exemptions on real estate owned by the state. Referred to Ways and Means.

HB 678, establishing a committee to study rules and regulations promulgated by the welfare department as they are applied to day care centers. Referred to Public Health, Welfare and State Institutions.

HB 284, increasing the fireman's relief fund. Referred to Finance.

#### HOUSE CONCURRENCE

SJR 9, making an appropriation for additional office space for water resources board and state tax commission.

SJR 10, making an appropriation for the leasing of Pillsbury Street Building.

SB 133, making a supplemental appropriation to the New Hampshire Racing Commission for harness racing.

SCR 6, relative to the effect of the federal budget cutbacks on the fiscal affairs of the State of New Hampshire.

#### HOUSE NON-CONCURRENCE

CACR 12, Relating to: Jury trial in civil causes. Providing that: The supreme court by rule of the court shall determine the value in controversy for the right of trial by jury in civil causes.

#### ENROLLED BILLS REPORT

HB 13, prohibiting motorboats powered by fuel on Brindle Pond.

HB 315, revising the method of payment of the debt service and maintenance of the women's dormitory at New Hampshire Technical Institute in Concord.

SB 106, permitting use of paper ballots for certain elections

in cities and towns which have adopted use of voting machines therein.

Sen. Provost  
*For The Committee*

## RECESS

## OUT OF RECESS

## COMMITTEE REPORTS

### SB 152

relative to liquidity requirements of building and loan associations, cooperative banks, and savings and loan associations. Ought to pass with amendment.

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Reserves in Insured Banks. Amend RSA 393:42 (supp), as amended, by inserting in line four after the word "banks" the following (and funds sold to banks located in New England insured by an agency of the federal government from one business day to the next,) so that said section as amended shall read as follows:

393:42 Liquidity. Building and loan associations, cooperative banks or savings and loan associations shall maintain a reserve of not less than five percent of the amount of their share capital in cash, including balances in other banks and funds sold to banks located in New England insured by an agency of the federal government from one business day to the next, and/or public funds of the United States at par value the maturity of which shall not exceed five years, and/or the obligations of agencies of the United States (as are designated by written ruling of the bank commissioner) at par value the maturity of which shall not exceed five years.

2 Advances of Federal Funds. Amend RSA 393 by inserting after section 42 the following new section:

393:42-a Advances of Federal Funds.

I. Definitions. As used in this section:

(a) "Business day" means any day on which a building and loan association, a cooperative bank or savings and loan association, and the depository and the federal reserve bank where the funds are on deposit, are all open for general business.

(b) "Federal Funds" means funds which a building and loan association, cooperative bank or savings and loan association has on deposit at a depository which are exchangeable for funds on deposit at a federal reserve bank.

II. Authority to Advance, Advances of federal funds, from one business day to the next, to member banks of the Federal Reserve System shall also qualify as cash depositories under RSA 387:22, provided that the total advance of federal funds under this section and under RSA 393:2 shall not exceed five percent of the building and loan association's, cooperative bank's or savings and loan association's deposits, and provided further that the total of such advances by such building and loan association, cooperative bank or savings and loan association to any one bank shall not exceed twenty-five percent of the latter's capital stock, surplus and undivided profits.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. POULSEN: SB 152 has to do with the requirements of building and loan associations and cooperative banks and savings and loan associations. Mostly in the aspect of federal funds — the amount of them the day you open the account and the banks assets and its liquid assets. The Commissioner of Banks attended the hearing and it was amended primarily to meet his requirements. We urge its passage.

Sen. JACOBSON: I have a question in regards to what it says here, less than 5% of the amount of the shares capital in cash. Does Share Capital mean their deposits?

Sen. POULSEN: Yes, it does.

Sen. JACOBSON: Does that mean their assets above and beyond the deposit?

Sen. POULSEN: No, the total assets.

Sen. JACOBSON: I understand the 5% liquidity, what I'm asking is, what is the amount on which the 5% liquidity is based?

Sen. POULSEN: Total assets.

Sen. JACOBSON: Total assets including surplus or only the deposit assets?

Sen. POULSEN: Deposit assets.

Sen. JACOBSON: Isn't there a concern about that word capital? It seems to me to be a strange word to use.

Sen. POULSEN: The use of the word capital has been brought up and I've never been offended by it and neither has the commissioner.

Sen. JACOBSON: This apparently conforms to what the federal regulations are in respect to regular savings banks on the 5% on time deposits. Is that a common word to substitute time deposits for capital share?

Sen. POULSEN: I haven't heard the word time deposits until quite recently. And I don't know if it's a misuse of a word or it's become part of the language.

Amendment adopted.      Ordered to third reading.

#### **SB 164**

providing equal preference to incorporators as creditors of cooperative banks, building and loan associations and savings and loan associations as enjoyed by depositors in such institutions, upon dissolution of such corporations. Ought to pass with amendment. Sen. Poulsen for the Committee.

#### **AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following.

#### **AN ACT**

clarifying and making co-equal the terms, shares and deposits, and shareholders and depositors under RSA 393 which regulates building and loan associations.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definitions. Amend RSA 393 by inserting after section 1-a the following new section:

393:1-b Definitions. The savings capital of the members of

a cooperative bank, building and loan association or savings and loan association may be called shares or deposits and the earnings paid thereon dividends or interest and the reference to one elsewhere in this chapter shall mean the other and they shall enjoy equal status under the law. The owner of any such shares or deposits shall be known as a shareholder or depositor and the reference to one elsewhere in this chapter shall mean the other and they shall have all the priorities of a creditor in liquidation.

2 Effective Date. This act shall take effect upon its passage.

Sen. POULSEN: Mr. President, this bill is amended. And all it does is clean up the language of shareholders, depositors which are all one and the same but are used all through the RSA's. This bill only makes them equal.

Amendment adopted.      Ordered to third reading.

## HB 633

relative to the maximum amounts of group life insurance to employees. Ought to pass with amendment. Sen. Ferdinando for the Committee.

Sen. FERDINANDO: Mr. President, SB 633, what the bill does as passed by the House is change the amount of group insurance from \$80,000 to \$150,000. There was a lot of opposition in the hearing agents throughout the state and their argument was that very few people sell group policies. The individual associations and life insurance agents felt that when people buy a group policy and become unemployed they may find themselves in a position where they cannot buy any insurance at all. So the committee in its wisdom felt that we should increase the amounts similar to what we did in the last session. Last session it was sixty thousand and we increased it to \$80,000 and the amendment in this bill reaches from \$80,000 to \$100,000 and it was felt that it would be sort of a compromise. And at the same time have some restrictions so that people are more apt to buy a policy so that if they should become unemployed they will have some coverage for their families.

Sen. TROWBRIDGE: I understand the going from \$80,000 which is the present amount to \$100,000. Could you tell me whether the last sentence of the amendment is new and was



entered by the Senate or was that in the House Bill? Because it is almost unintelligible and I wonder what it means?

Sen. FOLEY: It says amend the bill by striking out all of the enacting clauses and inserting in place thereof the following: I would take from that this is an entirely new bill? Did this new bill have a hearing?

Sen. FERDINANDO: Both bills had a hearing. This is the same bill that came from the House.

Sen. Green moved that HB 633 be recommitted back to the committee on Banks, Insurance, and Claims.

Sen. GREEN: I would like the opportunity to check out something before we vote on the question.

Adopted.

#### **SB 155**

relative to limitations on the loaning authority of building and loan associations, cooperative banks and savings and loan associations. Ought to pass with amendment. Sen. Poulsen for the Committee.

#### **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Loans. Amend RSA 393:15-a (supp) as inserted by 1955, 140:1, as amended, by striking out said section and inserting in place thereof the following:

393:15-a Unsecured Loans and Collateral Loans. A loan association or cooperative bank may loan its funds as follows:

I. In loans insured by the Federal Housing Commission under Title I of the National Housing Act of 1934 with all subsequent amendments thereto.

II. In loans on improved real estate for the purpose of financing the repair, alteration, improvement or rehabilitation without the additional security of a lien upon such real estate; Provided that (a) the loan association or cooperative bank is the holder of the first mortgage upon the property to be improved; (b) the net proceeds of any such loan do not exceed five thousand dollars; (c) each such loan is evidenced by one or

more negotiable notes; (d) each loan is repayable on demand or in regular monthly installments within a period of seven years.

III. In loans, with or without security, for any purpose, provided that no such loan to any one person shall exceed five thousand dollars, such loan to be repayable on demand or in regular monthly installments within a period of five years. However, a new demand note may be accepted in payment of any demand note called for payment.

IV. In loans incurred for the purpose of mobile home or motor home financing, and the mobile home or motor home is taken as security, without any requirement of additional co-signors such loan shall not exceed fifteen thousand dollars and shall be repayable in regular monthly installments within a period of twelve years, and such loan for a used mobile home or motor home shall not exceed seven thousand five hundred dollars and shall be repayable in regular monthly installments within a period of eight years. Further provided, however, no mobile home or motor home unit loan shall exceed seventy-five percent of the fair retail value, except that, with dealer recourse, such loan may not exceed eighty-five percent of the fair retail value of the mobile home or motor home unit. An association making any loan on the security of a motor home shall comply with and be subject to the provisions of RSA 361-A, if applicable. A loan association or cooperative bank may make mobile home or motor home loans insured or guaranteed by the Federal Housing Administration or the Veterans Administration or a private insurance company licensed to do business in the state of New Hampshire and approved by the bank commissioner. However, the limitations of this paragraph relating to the amount of such financing may be exceeded provided that the loan shall be fully insured or fully guaranteed by the Federal Housing Administration, the Veterans Administration or a private insurance company licensed to do business in the state of New Hampshire and approved by the bank commissioner to the extent of the amount of the loan in excess of said limitations.

V. The maximum amount loaned to any one borrower under RSA 393:15-a, III and IV shall not exceed one percent of the assets of the loan association or cooperative bank.

VI. The aggregate amount of all loans in RSA 393:15-a,

II, III and IV shall not exceed fifteen percent of the association's or cooperative bank's assets. Loans without security shall have suitable financial information on file warranting the extension of the loan period.

2 Effective Date. This act shall take effect sixty days after its passage.

Sen. POULSEN: The amendment on this bill, has to do with the same group of banks and has to do with trailers and mobile homes. It's a requisite of the original bill that suits everyone through to the commissioner. It still give this group of banks the ability to go up to \$5,000 on secured loans with notes. It allows them to go from 10 to 15 on mobile homes and motor homes loans and it adds the private insurance to the list of other insurance which has to do with the guarantee part of the loan.

Sen. JACOBSON: Senator, on page 89 in paragraph two, the unsecured type of loan is limited to real estate improvement. Is that correct?

Sen. POULSEN: That paragraph is.

Sen. JACOBSON: There is no other provision for allowance of unsecured loans in the bill?

Sen. POULSEN: Oh, yes there is. In paragraph three.

Sen. JACOBSON: What protection is there for the shareholders in this group with respect to unsecured loans outside of those for which there is a possibility if there's a failure of subsequently attaching a lien.

Sen. POULSEN: I don't believe a bank would ever give an unsecured loan unless they know that the man whom they are lending the money is capable of paying it back or they can place a lien if necessary.

Amendment adopted.      Ordered to third reading.

## HB 832

increasing the debt limit for the Merrimack school district. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: Mr. President, this bill raises the limit of the net indebtedness of the Merrimack school district not to exceed

90% of the total evaluation at any one point in time. There has been a great deal of building and a great many people have been moving into Merrimack. All of the school board and all other town officials in the town of Merrimack were very much in favor of this.

Adopted.      Ordered to third reading.

### SB 76

relative to tuition payments for handicapped children and making an appropriation therefor. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, the committee of Finance reports SB 76 as ought to pass. What this bill does in effect is to allow for tuition payments for handicapped children outside of their school district. They will be funded and this will allow funds in the budget for the development of programs for handicapped and encourage the development of these programs for handicapped children within the school district. I hope that the Senate will go along with the committee on Finance.

Sen. TROWBRIDGE: Mr. President, I want to speak on this bill. I want the Senate to realize the importance of SB 76. For many years we've had a difficulty with the fact that handicapped children exist in school districts and the law says that you should educate them, and that you must in fact, and yet we've never provided any extra money by which the school district if it had to, could go outside and send the kid to the different schools for handicapped children such as Perkins School for the Blind. I also want the Senate to realize that there is a big price tag on this. That this is a million nine hundred thousand dollars. And that with this bill we are making a priority commitment of whatever surplus there is above the budget and that we should not just vote on this lightly. I agree with the Education committee from which this bill came that this is an important piece of legislation.

Sen. GREEN: I want to rise in support for SB 76. Having had the opportunity to work with both the Education and the Finance committee I feel like Sen. Trowbridge that there should be a number one priority for this.

Sen. LAMONTAGNE: I rise in full support of this bill and I also would say that this is long overdue, because the in-



dividual parents of these children have been carrying the cost for many years and I personally feel that it's time that something should be done.

Sen. SANBORN: This is a case where the state is putting their money where their mouth was and I am highly in favor of this bill. Right now in my own school district we are paying the tuition on three students that will come under the provisions of this bill. It is costing us a \$1000 a year. We are most happy to support this type of legislation.

Sen. JACOBSON: In the 1971 session I introduced the basic legislation that established the rights of handicapped children to education and I agree with Sen. Sanborn that this has the merit of state involvement in it and I hope that it will ultimately pass.

Adopted unanimously.      Ordered to third reading.

#### SB 21

relative to imposing some limitation on the doctrine of sovereign immunity. Ought to pass with amendment.

Sen. BRADLEY: Mr. President, SB 21 is an attempt to abolish the doctrine of sovereign immunity and governmental immunity in a very narrow and restricted way. In the first place the types of liability which would be covered by this would be only for ownership of premises but excepting public streets and highways, and motor vehicles all other types of liability would still be sovereign immunity. Section III of the act simply states that all actions have to be combined into one. So for example a wife couldn't sue for injuries and then her husband sue for loss in a separate suit if the action comes out of one injury. Now section IV of this act would limit the liability by dollar amount to the amount of the minimum required automobile policy which is the twenty thousand and forty thousand dollar minimum insurance requirement. Number V is simply boiler plate as to the effect that this bill has on the common law. This has always been a controversial piece of legislation and this bill goes as far as any bill has attempting to meet and carefully deal with the objections that the municipalities had.

Sen. Jacobson moved that SB 21 be made a Special Order of Business for Friday, June 1st, at 1:01.

Sen. JACOBSON: Mr. President, this question of sovereign



immunity is a very serious question in regards to the municipalities and I have had the opportunity to study this amendment and to know what the impact is with regards to communities and municipalities with respect to the insurance costs of such a bill. I think that this should be checked into. I know that the New Hampshire Municipal Association opposes SB 21 in its original form, but I do not know if they oppose it in this form. I might also say with respect to the historical comment that Sen. Bradley spoke of, that while it is true that political subdivisions have had sovereign immunity there have been also other alternative ways in which it has been handled. As a matter of fact, we handled a case the other day on the basis of a claim. My real question is what will this cost and I hope that all of us will have the opportunity to study the impact of this.

Adopted.

### SB 23

to provide a procedure for the examination of an alleged incompetent and if confirmed to so to be, for the appointment of his or her guardian. Ought to pass with amendment.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### AN ACT

to clarify and make fairer the procedures relating to the  
appointment of guardians for mentally  
incompetent persons.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Mentally Incompetent Persons. Amend RSA 464:1 (supp), as amended, by striking out said section and inserting in place thereof the following:

464:1 Inquisition. Upon application of a relative or friend, or the superintendent of the New Hampshire Hospital, if the person is a patient at said hospital, or of the overseers of the poor of the town where the person lives. made to the judge of probate for the county, that a guardian be appointed over such person, the judge shall cause inquisition, with not less than fourteen days notice by mail, and by publication where reason-

ably called for in this judgment, to such persons and to such other persons, including near relatives, as he may order. The inquisition shall be made, by suitable persons appointed by the judge, in accordance with procedures he has established to adequately protect the rights of all parties involved. The judge may, upon application, after or without hearing, order that such inquisition be conducted in his presence, if in his judgment such is practically possible and called for by circumstances properly brought to his attention.

Sen. BRADLEY: Mr. President, SB 23 and the amendment thereto which constitutes the bill is printed in today's Calendar. This is a relatively simple bill. The present law has almost no safeguards built into it by statutes dealing with a situation where the judge of probate causes imposition as to a person's sanity or incompetence. This bill simply adds to that section of the statute to provide some safeguards of the due process type such as notice and hearing procedures that gives the judge a little extra to work with in seeing that the rights of all parties involved are protected.

Amendment adopted.      Ordered to third reading.

#### **SB 101**

establishing a public defender system for Merrimack, Cheshire and Rockingham counties. Ought to pass with amendment. Sen. Bradley for the Committee.

Sen. Bradley moved that SB 101 be laid on the table.

Sen. BRADLEY: Mr. President, SB 101 there is another amendment on this bill which is in the works so I feel that this should be tabled or made a special order for some day next week.

Adopted.

#### **SB 113**

establishing the Franklin Pierce Law Center. Ought to pass with amendment. Sen. S. Smith for the Committee.

#### **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Law Center Authorized. Franklin Pierce College, a New

Hampshire education corporation formed under the provisions of RSA 292, is hereby authorized and empowered to establish and maintain a graduate school adjunct to be known as the Franklin Pierce Law Center, to prescribe the rules of the government of that law center and the course of studies to be pursued therein and to confer upon graduates thereof, subject to the approval of the coordinating board of advance education and accreditation, the degree of Juris Doctor (J.D.) to the qualifying candidates.

2 Effective Date. This act shall take effect upon its passage.

Sen. S. SMITH: Mr. President, SB 113 the amendment is found on page 85 and revises the bill. The original bill in effect gave authority directly from the legislature for Franklin Pierce to grant the degree of Juris Doctor. This amendment brings into line the degree-granting power with other colleges around the state by giving authority through the coordinating board, advance education and accreditation so that they have to approve before the degree-granting power can be given.

Sen. JACOBSON: Mr. President, I simply want to rise in support of this bill and in support of the amendment. I think the amendment clarifies and makes proper what is a basic kind of procedure so that the proposed law school would not be granting degrees without some kind of control. I think the time has come in our state to have the opportunity of people to study law not necessarily in the purpose of becoming lawyers, because as one of the possible helps this could be a place where a person might want to take one course in some specialized field of the law. Say a police officer or a person who is involved in probation, or a person who is involved in real estate, to provide that kind of opportunity for the adult population and talking with the prospective dean of this center that part of his intention to give that kind of opportunity and of course it may also give the opportunity for a couple of country boys like Sens. Sanborn and Jacobson to go to law school.

Amendment adopted.      Ordered to third reading.

### SJR 13

to establish an interim study on uniform vehicle laws. Ought to pass with amendment. Sen. Jacobson for the Committee.

## AMENDMENT

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That a special interim uniform vehicle laws study committee is hereby established and authorized to continue the comparison of our state's motor vehicle laws with the uniform vehicle code and prepare legislation to be presented to the next session of the legislature to bring our state's traffic laws into closer conformity with the provisions of the code. The committee shall consist of three members of the senate to be appointed by the president of the senate; four members of the house to be appointed by the speaker of the house; the commissioner of safety; the attorney general; the coordinator of highway safety; and five citizens at large, representing organized groups of motor pensioners under this section. Nothing in this section shall be construed to prohibit the issue of a policy or policies to replace a policy which is terminated wholly or to replace the terminated portion of a policy which is terminated partially, if the effective date of issue of the new policy or policies is the same as the effective date of termination of the policy or portion of a policy replaced, and if the total amount of life insurance on any employee determined in accordance with the provisions of the new policy or policies, does not exceed the amount determined in accordance with the provisions of the policy or portion of a policy replaced.

5 Effective Date. This act shall take effect sixty days after its passage.

Sen. JACOBSON: Mr. President, SJR 13 establishes an interim study commission with regards to uniform vehicle laws and is an extension or a continuance of a legislative committee that was designed and which worked and made eight proposals to this special session. What it is designed to do is to do everything we can to increase the state fee and develop the rules of the road in such a way that they will serve the public interest. The amendment simply gives the power of the president as it properly should be, to the president of the Senate to appoint the members from the Senate.

Sen. S. SMITH: I would also like to rise in support of this resolution. Having served as chairman of two summer interim study committees, this is something which has been continually



been given oversight and overview because of attempting to continually to bring New Hampshire into line with the uniform codes so that our laws are similar with the laws of the other states. I heartily endorse the resolution.

Amendment adopted.      Ordered to third reading.

## RECESS

### OUT OF RECESS

(Sen. Jacobson in the Chair)

#### SB 197

relative to the New Hampshire real estate commission. Ought to pass. Sen. Claveau for the Committee.

Sen. CLAVEAU: Mr. President, SB 197, does two things. At the present the commission has set regulations and control on brokers. The first section of this bill which adds to that section applying to a public hearing of which 15 days notice will be placed in a paper with general circulation. The second section, establishes an investigator. We now have over ten thousand brokers and at the last examination there were over 1,000 people who took the exam so the work load on investigating and controlling complaints is getting to be quite a job. Instead of being a one meeting a month it is becoming several. So the investigator could handle a lot of these problems out in the field. There is enough money coming in from the receipts of licenses so that an investigator could be hired.

Sen. PORTER: Senator, will the enactment of this bill solve the problem where a broker doesn't feel that he is given justice on a hearing and receiving enough attention from the real estate board at the state level?

Sen. CLAVEAU: I believe it would.

Sen. GARDNER: I think they need this in the real estate commission. They have been shorthanded and I hope that we pass this bill.

Adopted.      Referred to Finance.

#### SB 203

relative to the stopping of payment of certain instruments. Inexpedient to legislate. Sen. Bossie for the Committee.



Sen. BOSSIE: Mr. President, this bill is very interesting in content and basically what it does is you stop payment on a check when you have received material, or labor or services that is prima facie evidence that you intended to deprive whoever you sent the check to. This is ridiculous and ought not to pass.

Sen. JOHNSON: Sen. Bossie, I am a little confused over this. Does it stop payment or prohibit stopping payment?

Sen. BOSSIE: It would make you take a serious risk if you should decide to stop payment on a check.

Adopted.

#### SB 206

providing that if the insured prevails in a declaratory action against the insurer, he shall receive costs and attorneys' fees. Ought to pass with amendment.

#### AMENDMENT

Amend RSA 491:22-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

491:22-b Insurance Actions; Costs and Attorneys' Fees. In any action to determine coverage of an insurance policy pursuant to RSA 491:22, if the insured prevails in such action, he shall receive court costs and reasonable attorneys' fees from the insurer.

Sen. BOSSIE: Mr. President, the amendment merely clarifies the bill. And provides that any action to determine coverage of an insurance policy that the attorney's fees shall be paid by the insurer.

Sen. FERDINANDO: It is my understanding that what we are doing here is that if an insurance company denies a coverage the man involved can get an attorney and the insurance company will pay his fees?

Sen. BOSSIE: It will pay for the insurer's legal cost.

Amendment adopted. Ordered to third reading.

#### SB 213

relative to the form and contents of writs. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, SB 213 simply requires that all writs and other processes shall have marked upon them when they are served by the sheriff the note as to the time and the place and shall indicate as to whether any attachments have been made and the time and place and method of such attachment.

Sen. BRADLEY: In other words, Sen. Bossie, what this bill is saying is that when a person gets sued the papers that end up in court can match the papers that are in the hand of the defendant.

Sen. BOSSIE: Exactly.

Adopted.      Ordered to third reading.

#### **SB 214**

to increase the number of superior court judges by lowering the ratio basis for the number of judges permitted in the state, from one to sixty thousand to one to forty thousand of state population. Referred to Judicial Council. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, SB 214 if enacted would increase the number of superior court judges by 50%. We do have serious backlogs in the superior courts in many of our counties. This bill will attempt to deal with that problem. However, the committee feels that it's a little bit too much to simply add 50% which would be six new judges under this bill without further study and therefor asks for this to go to the Judicial Council.

Adopted.      Referred to Judicial Council.

#### **SB 215**

increasing the limit of the concurrent jurisdiction of district courts in civil matters. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, SB 125 the purpose of this bill is to do something about that backlog of cases in the superior court. We feel it can be done by increasing the jurisdiction that the courts have to handle civil cases. At the present time the district court can only take cases where the amount claimed is less than \$1,500. This would double that amount

and allow claims to be brought to civil court with claims up to \$3,000.

Sen. BOSSIE: By concurring jurisdiction, would you define that for the other Senators?

Sen. BRADLEY: Concurrent means that you can start at either place.

Adopted.      Ordered to third reading.

### **SJR 17**

establishing a committee to study the adequacy of laws relating to the confidentiality of the records of state agencies. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, SJR 17 is to establish a study committee to study the problem of whether or not our law presently protects confidentiality of records in state agencies. It has particular reference to the problem which is coming about now that more and more information is being accumulated by computers, particularly by CDP.

Sen. PORTER: Sen. Bradley, is this committee that you are establishing just a legislative committee or is it composed of outside members?

Sen. BRADLEY: It will be four members of the House and of the Senate.

Sen. PORTER: Could not the Senate Judiciary also apply itself to the same question?

Sen. BRADLEY: I gather from our discussion on this yesterday that it would be possible, however, it seems to me that I would seem rather out of place as chairman of the Judiciary committee calling a hearing without some direction from this body.

Adopted.      Ordered to third reading.

The CHAIR: Sen. Provost is excused for important familial business.

Sen. Downing moved that the rules of the Senate be so far suspended as to allow introduction of a committee report on SB 61 without previous notice in the Journal and to be placed on second reading at this time.

Adopted.

## SB 61

relative to the administration of the workmen's compensation law as it affects state employees. Ought to pass with amendment. Sen. Downing for the Committee.

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

## An Act

relative to workmen's compensation for state employees; creating a workmen's compensation review commission for state employees and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Improvement in Administration. Amend RSA 281:5 (supp), as amended, by striking out said section and inserting in place thereof the following:

281:5 Workmen's Compensation Review Commission for State Employees.

I. Departments, agencies, and institutions of the state shall comply with all the provisions of RSA 281 and all applicable rules and regulations promulgated by the commissioner of labor in like manner as any other employer. The head of such departments, agencies, and institutions shall designate one or more members of their staff to act in the capacity of workmen's compensation agent. Such agent shall act in accordance with rules and regulations promulgated by the workmen's compensation review commission for state employees.

II. There is hereby created a workmen's compensation review commission for state employees. Said commission shall promulgate rules and regulations for processing claims of state employees in accordance with the provisions of this chapter and in accordance with rules and regulations promulgated by the commissioner of labor which are applicable to insurance carriers.

III. The commission shall consist of three members appointed by the governor with the advice and consent of the council. The commission shall be composed as follows: one

member shall be an attorney admitted to practice in New Hampshire; one member shall be a licensed physician; and one member shall be from the labor field.

IV. Members of the commission shall serve for terms of three years, except that when the commission is first established, one member shall be appointed for one year, one member shall be appointed for two years and one member shall be appointed for three years. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled for the unexpired term. The governor shall designate one of the members as chairman. Two members shall constitute a quorum. Members shall receive seventy-five dollars for each day devoted to the work of the commission and shall be reimbursed for their reasonable expenses in connection with their official duties. The governor and council may remove any member of the commission as provided in RSA 4:1.

V. In order to facilitate the prompt payment of state employee workmen's compensation benefits, the commission shall delegate limited authority to the commissioner of labor who shall designate qualified personnel in the department of labor to review all state employee workmen's compensation claims and to make an initial determination of the merits of such claims.

VI. The commission shall meet as often as necessary to review all claims by state employees after they have been determined as provided in paragraph V, and shall make a final determination of such claims. Any person aggrieved by the determination of the commission shall have the right to appeal for a hearing in the department of labor as provided in RSA 281:37 and RSA 281:40.

VII. The commission shall:

(a) Make an annual report to the governor and council on its activities;

(b) Advise the governor and council on problems involving workmen's compensation procedures for state employees and make recommendations for changes thereof;

(c) Compile work injury data relative to state employees which shall be included in their annual report; and



(d) Employ such clerical assistants as it shall deem necessary to carry out its functions.

2 Appropriation. There is hereby appropriated the sum of five thousand five hundred dollars for fiscal year 1974 and the same amount for fiscal year 1975 to the workmen's compensation review commission for state employees for the purposes of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1973.

Sen. DOWNING: Mr. President, all the amendment to SB 61 does is to establish a different type of commission to handle workmen's compensation for state employees. Right now they are working under a terrible hardship and it seems to be extremely unfair. The authority for this was originally delegated to the Governor and Council and they delegated this to the Claims Committee and it is just physically impossible to get these claims expedited so it is necessary to do something in a different manner. This does call for an appropriation of \$5,000. Everyone seems to be in favor of this and I urge your support.

Amendment adopted. Referred to Finance.

## SB 127

to eliminate the blood test requirement for barbers and hairdressers. Ought to pass. Sen. Gardner for the Committee.

Sen. GARDNER: This is the section making it mandatory to have a certificate from a physician that the barber or apprentice is not afflicted with tuberculosis, venereal disease in a communicable stage, or with any other communicable disease.

Sen. BOSSIE: At the hearing was there much opposition to this?

Sen. GARDNER: There wasn't any.

Sen. BOSSIE: Do you see any reason why barbers should not be required to take these tests and make sure that there is no communicable disease?

Sen. GARDNER: As one knows venereal disease is nearly always transmitted thru direct contact. I don't see how a barber or hairdresser by the very nature of his profession could possibly be of any danger to a patron.

Sen. DOWNING: I rise in support of SB 127. As strange as it may seem it is something that was put on the statutes some years ago when people had fears that are without justification today. It is very discriminatory in that this same thing is not required of people who serve you food in restaurants, or a doctor or a dentist, it isn't required of anyone other than barbers or beauticians. I urge your support.

Sen. NIXON: I would also endorse the passage of SB 127. I see no valid reason for this not being passed at this time.

Adopted.      Ordered to third reading.

### SB 160

requiring the use of safety glazing materials in hazardous locations, in residential, industrial, commercial and public buildings. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President, this bill is rather important. It would not go into effect until November 1 and it would state that any buildings or contract that had started prior to that date will not have any effect upon it. In essence there must be a safety glazed material in hazardous locations whether it be in a resident or an industrial or public building.

Sen. JOHNSON: If someone manages to smash one of the doors which has to be replaced will the door then have to be replaced with a different material even if that building is ten years older or more?

Sen. MCLAUGHLIN: Yes.

Sen. Ferdinando moved the following amendment.

### AMENDMENT

Amend RSA 155-C:1, XIV as inserted by section 1 of said bill by striking out said paragraph and inserting in place thereof the following:

XIV. "Primary residential entrance and exit door" shall mean a door (other than doors covered by paragraph X of this section) which is glazed or to be glazed and used in an exterior wall of a residential building and other structures used as dwellings, as a means of ingress or egress. Provided, that there is excepted from this definition residential entries where the glass does not exceed eighteen inches in each direction.

Amend RSA 155-C:7 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

2 Effective Date. This act shall take effect March 1, 1974, and applies only to installations or replacements made after the effective date, but shall not apply to contracts awarded, pursuant to an invitation for bids, on or before the effective date of this act.

Sen. FERDINANDO: Mr. President, what the amendment does is restrict the amount of glass. We have defined where the glass is not to exceed 18 inches in each direction so we have to start with a bigger piece of glass. And we have changed the effective date to March 1, 1974.

Sen. JOHNSON: Senator, having been in the glass business for many years I think there's a tremendous difference between regular glass and plate glass that is used in store fronts. Does this cover store fronts?

Sen. FERDINANDO: Yes, it does.

Sen. DOWNING: This seems to be a very expensive amendment which no one has read including the sponsor of it. Do you feel that this is something which ought to go back to committee?

Sen. MCLAUGHLIN: No, I don't.

Sen. DOWNING: Does the committee support this amendment?

Sen. MCLAUGHLIN: The majority of the committee does.

Sen. JOHNSON: Can you give me a rough idea of the increase in the cost?

Sen. MCLAUGHLIN: No, I cannot.

Sen. FERDINANDO: I've had an opportunity to speak with builders and glass manufacturers that appeared at the hearing and they were all in favor of this bill.

Amendment adopted.      Ordered to third reading.

**SB 154**

providing for certificate of need for health care facility

capital expenditures. Ought to pass with amendment. Sen. Sanborn for the Committee.

#### AMENDMENT

providing for certificate of need  
for health care facility  
capital expenditures

Amend RSA 151:24 as inserted by section 1 of said bill by striking out said section 24 and inserting in place thereof the following new section 24.

151:24 Appeal. If a certificate of need is denied in accordance with RSA 151:23, the applicant may appeal from such denial to the board of appeals of the advisory commission on health and welfare and may request a public hearing to be held on such appeal in accordance with rules promulgated by such advisory commission or board of appeals. The decision of the board of appeals of the advisory commission on health and welfare shall be final, subject only to judicial review as provided in RSA 541.

Sen. SANBORN: Mr. President, the amendment is in today's Calendar. Basically, what this bill does is requires that any hospital, nursing home or that type of institution that wants to build a new addition or to complete new facilities that is of a value of \$100,000 or greater must first be required to get a certificate of needs from the Department of Public Health and Welfare. The principle being here was that this prevents some types of very expensive medical equipment from being added to hospitals that actually don't meet these requirements. Also this prevents, and we did receive testimony to this fact, that nursing homes that are too numerous in an area are occurring. For instance in one town in the state right now there are requests for nursing homes that would total over 200 beds in one town. Right now there is one nursing home with about 50 beds and everything taken into consideration that there is a need for about 50 additional beds. Accordingly under this bill such things would be prevented from happening.

Sen. JOHNSON: Isn't there something already in effect in this state in regard to this bill?

Sen. SANBORN: There may be something of a gentle-

man's agreement but there is nothing in the statute that provides the investigation.

Amendment adopted.      Ordered to third reading.

Sen. S. Smith moved that the rules of the Senate be so far suspended as to allow introduction of committee reports on SB 234, and SB 224 without previous notice in the Journal.

Sen. S. SMITH: Mr. President, both of these bills were heard in the Senate Education Committee this morning and they were both approved by the Senate Education Committee and they both have appropriations attached and we would therefore like preliminary action on them now.

Adopted.

#### **SB 234**

providing a limited tuition assistance to New Hampshire high school graduates who wish to attend accredited institutions of higher learning within the state; and making an appropriation therefor. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, we held our hearings this morning and there was a great deal of testimony in regards to it as to the advantage of providing funds for students above the cost of the University of New Hampshire system to attend other schools within the state. This would be limited to students of New Hampshire so that we do not prevent an increase in capital outlay and expenditures where students could receive under this system adequate education without additional costs by increasing the already pretty crowded condition at both campuses of the university. I hope the Senate will go along with the recommendation.

Adopted.      Referred to Finance.

#### **SB 224**

establishing a New Hampshire studies project. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, SB 224 establishes a New Hampshire study project which would in coordination with the New Hampshire Historical Society and with the Department of Education make a study and develop a program to be used in secondary schools for studying not only the history of New Hampshire but the Arts and Sciences of the state. It has been



testified that no such program exists presently and we hope that the Senate will go along with the recommendation of the committee.

Adopted. Referred to Finance.

### **SB 86**

providing for the issue of special press plates for the news media. Be referred back to Interim Committee of Public Works and Transportation. Sen. Claveau for the Committee.

Sen. LAMONTAGNE: Mr. President, SB 86 the committee felt that there should be a study made because some of the pressmen did appear and it seems that this was only allowing the company cars and therefore we felt that it should be sent to the committee for a hearing.

Adopted. Referred to Interim Committee of Public Works and Transportation.

### **HB 668**

authorizing the town of Littleton to use a hydraulically operated standby pumping unit in its Lisbon Road sewage pumping station. Inexpedient to Legislate. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, HB 668 in its original form had some significance but as it has been amended by the House and Senate it now means nothing at all. An individual who has a contract to do some work in the town of Littleton wishes to substitute a pumping method other than what was contracted for. That could be done now if he could have the permission of the board of selectmen and the Water Supply and Pollution Control Commission. This bill as it came into the Senate would merely authorize him to make the substitution if he had the permission of the selectmen and the Water Supply and Pollution Control Commission. Which is exactly what he could do now. The commission appeared in opposition so he will not receive the permission to do it. And the recommendation is inexpedient and I urge you to support it.

Adopted.

### **HB 807**

permitting the director of the division of motor vehicles

to use a facsimile signature on any official document signed by his authority. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: This bill authorizes the director to use the rubber stamp signature. There are many official documents by RSA that have to bear his own signature so that if he is gone for several days it takes him several days to just write his name in order to catch up. We urge the passage of this bill.

Adopted.      Ordered to third reading.

### HB 819

relative to tires as defective equipment on motor vehicles. Ought to pass. Sen. Lamontagne for the Committee.

Sen. LAMONTAGNE: Mr. President, HB 819 has nothing to do with the spare tire. This bill allows a person 72 hours to correct a violation of having tires with insufficient tread depth or other defects.

Sen. GREEN: I heard the statement but in reference here to the defective equipment that doesn't mean that an automobile does need a spare tire?

Sen. LAMONTAGNE: That doesn't mean a spare tire. It pertains to defective equipment.

Sen. GREEN: Then you are saying that it only includes the four tires that are touching the road?

Sen. LAMONTAGNE: Yes.

Sen. CLAVEAU: When you say 72 hours do you mean 72 hours in jail or what?

Sen. LAMONTAGNE: This would not refer to jail.

Adopted.      Ordered to third reading.

### HJR 8

appropriating funds to the Water Resources Board for an erosion control project in Charlestown. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, what this bill does is over in the town of Charlestown the federal government, the state and the town of Charlestown and the combination has put in sewerage systems and sewerage lagoons on the banks of the river and the Connecticut River being similar to the Mississippi

doesn't like its present banks and would like to straighten itself out and if left a couple of years the sewerage lagoons would be part of the river. So under this joint resolution is \$50,000 to be used in fixing the banks of the river so the river will stay in its present course and not wander down through the sewerage lagoons.

Adopted. Referred to Finance.

Recess until 7:00 p.m. in Derry, New Hampshire.

The Senate met at 7:00 p.m. in Derry, New Hampshire.

Welcome was given by Senate President David L. Nixon.

Sen. NIXON: Ladies and gentlemen: My name is David Nixon and I have the honor of serving as President of the New Hampshire Senate and in behalf of the Senate and our Sen. Ward Brown, I have the pleasure of welcoming you all to this home town Senate session here in the beautiful town of Derry. You may know that this is the 190 anniversary of the New Hampshire State Senate and in commemoration of that the Senate has this practice of traveling around to the various towns and cities to permit to a certain extent to give people in the local communities an opportunity to see how a portion of state government actually works, and apart from the primary introductions and so forth, what you will see here tonight will be regular Senate session and we will be carrying on the business that we started about noon today in Concord, where we acted on twenty bills and where we hope to act on the rest of them tonight. Having said that to minimize the time involved here, it is now my honor to turn the governing of this session over to Sen. Ward Brown, from Hampstead, Derry being in his district. He serves as the Chairman of the Senate Staffing, Resources, and facilities and we are very proud to have him with us during this session. It has been indicated that independence is a fine quality in a person, but in the Senate, independence means not always agreeing with what the President has said but Sen. Brown has been independent many times without being disagreeable. It is my pleasure to introduce Sen. Ward Brown.

Sen. BROWN: Thank you Mr. President, it is also my pleasure to welcome you folks here tonight. I will repeat a little bit of what Sen. Nixon has said, what you will see here this evening is an actual Senate Session that we have in the State House

each day. I think that this is kind of a rare occasion coming to Derry because there are many people who cannot come to Concord and I hope that this will give you some idea of how State Government works. At this time I would like to have the posting of the colors by the Governor's military aide, Major Gay, the American Legion and the V.F.W.

Posting of Color Guard by American Legion and VFW, Derry, New Hampshire.

Prayer by Rev. Bertil Norman, Central Congregational Church, Derry, New Hampshire.

Heavenly Father, humbly we bow our heads before Thee but we are but finite mortal creatures. Truly as Thy holy scriptures teach us, Thou has come to reign upon the just and the unjust alike. We have experienced it in both ways. We are taught that even the very hairs of our heads are numbered and a sparrow cannot fall over the ground that Thou knowest it. Truly we are fearfully and wonderfully made and cared for and Thou hast granted us vast freedoms and literally as preachers who are but a little bit lower than the angels. Forgive us if at times we choose to live at lower levels. We pray, O God, that under Thee this night, that this may be a blessed evening. Grant us, Thy Father, the courage of our convictions. Grant us, Our Father, the wisdom born of Thee that a bit more of Thy kingdom may rest in Thy midst. So bless us we ask in that name, above every name even Jesus Christ. Amen.

Pledge of Allegiance was led by Lauren Dexeter, student at Pinkerton Academy.

Sen. BROWN: At this time I would like to call upon the principal of Pinkerton Academy, Ivan Hackler to say a few words.

Mr. HACKLER: President Nixon, Senator Brown, Honorable Senators and guests, we are very honored to have you with us this evening and I would like to talk for about a half an hour but I know that it is going to be a long evening and I just want to say welcome here to the Academy. Thank you.

Sen. BROWN: Thank you, Mr. Hackler. Now I would like to have a few words of welcome from the Chairman of the Board of Selectmen for the town of Derry, Fred Tompkins.

Mr. TOMPKINS: Mr. President, Senator Brown, distin-

guished members of the Senate, It is my privilege to welcome you here this evening on behalf of the Board of Selectmen in the Town of Derry and I hope that your business here this evening goes well and this session is marked historically for this town because it is the first time a session has ever been held here, and again, on behalf of the Town, I wish you welcome here. Thank you.

Sen. BROWN: Generally, at this part of the evening we usually have the State Historian, Leon Anderson give a little history about the Senate but he is down on the South Seas on a freighter, but before he left he did write up the history and at this time I would like to ask Sen. Jacobson to please give it.

Sen. JACOBSON: Ladies and Gentlemen, Leon Anderson usually gives these reports about the involvement of the Senate with regards to Derry and New Hampshire. When he originally wrote this it was the intention that this was to be held in Hampstead which is the hometown of Sen. Brown, however, it was moved to Derry so that in order to give Derry what it is due, I did a little research on Derry and so it is possible to have the Hampstead history and also possible to have the Derry history.

History of Senate by Sen. Alf Jacobson.

Sen. BROWN: At this time I would like to introduce some guests that we have here this evening. First the House of Representatives, I would like to recognize Rep. Maurice Read, from Derry; Rep. William Boucher from Londonderry; and Rep. Gay from Derry. We also have with us this evening the Rockingham County Attorney, Carlton Eldridge; the Sheriff of Rockingham County, George Sampson; and we also have one of the commissioners from Rockingham County, Russell Hall. If there are any other representaives here that I have missed I would wish that you would please stand up. Also Rep. MacGregor, I am sorry.

Sen. NIXON: I would now like to ask Sen. Brown and Vice President Spanos to escort Benjamin Adams and Frank Buckley to the podium. Gentlemen, we are proud, on behalf of the Senate, to present you with a token of our esteem and I would like to read them and I will read them in alphabetical order if you don't mind.

Presentation of Resolutions to Mr. Ben Adams and Mr. Frank Buckley.



Know all men by these presents that

*Whereas*, Frank T. Buckley of Derry, New Hampshire has served his community and the people of the State of New Hampshire with high distinction as a Member of the New Hampshire Senate in 1961-62, where his long experience and expertise in the transportation business served him in good stead as Chairman of the Transportation Committee; and

*Whereas*, his dedicated and energetic service to the State of New Hampshire continued in his exemplary term as Commissioner of Agriculture from 1963-72; and

*Whereas*, he has devoted many tireless years to the public affairs of Derry, as Selectman and Overseer of Public Welfare; and as Director of the Derry Co-operative Bank and past president of the Derry Industrial Development Corporation; and

*Whereas*, he has further served with outstanding capability and enthusiasm as leader of several civil, fraternal, and professional organizations; as past director of Lions International, president of the Southern District New Hampshire YMCA, Director and past president of New Hampshire Truck Owners Association, Inc., and a member of the IOOF, YMCA, and Derry Lions Club; therefore be it

*Resolved*, that the 1973 New Hampshire State Senate present this

## CERTIFICATE OF COMMENDATION

TO

FRANK T. BUCKLEY

at this historic first hometown Senate Session held in Derry, New Hampshire, this twenty-fourth day of May, 1973; and be it further

*Resolved*, that a copy of this resolution be forwarded to the town of Derry for preservation in its annals.

Know all men by these presents that

*Whereas*, Benjamin C. Adams of Derry, New Hampshire has devoted many years of distinguished public service to his community and to the State of New Hampshire, having served as State Senator from 1953 through 1960, where he was Majority

Leader and Chairman of the Public Works Committee; and

*Whereas*, he has further applied his vast talents and unflagging energies to the public good of the State of New Hampshire, now beginning his fourteenth consecutive year as Commissioner of Employment Security; and

*Whereas*, he has served faithfully and dutifully as an appointed official or the Legislative Committee on Federal Legislation, the Governor's Committee on Discrimination, and the Governor's Advisory Committee to Study Salaries of State Officials and Employees; and

*Whereas*, he has further brought his high moral character and civic mindedness to such fraternal and benevolent organizations as the Mason, Eagles, and Elks; therefore be it

*Resolved*, that the 1973 New Hampshire State Senate present this

CERTIFICATE OF COMMENDATION  
TO

BENJAMIN C. ADAMS

at this historic first hometown Senate Session held in Derry, New Hampshire, this twenty-fourth day of May, 1973; and be it further

*Resolved*, that a copy of this resolution be forwarded to the town of Derry for preservation in its annals.

Sen. TROWBRIDGE: Mr. President, I would like to introduce somebody here who is a resident of Derry and if you look around and see the blue booklets which is the history of the Senate, this is the man who works for Yankee, Inc., who worked over the weekend on the layout and to put these together, Walter Richardson of Derry.

Sen. BLAISDELL: Any time ladies and gentlemen, that you think refereeing is easy, take a look at that big coach up in the corner, Brad Elk and I hope he is a friend of mine.

Sen. FERDINANDO: I believe I have a cousin Vincent Ferdinando, who is a member of the zoning board here in Derry and I don't see him but if he is here I do want to recognize him.

Sen. BROWN: Mr. President, I have some constituents here of mine and some neighbors from Hampstead that I would like to introduce. Mr. and Mrs. Warren Cook, Mr. and Mrs. David Morice, Mr. and Mrs. Richard May, and last but not least I would like to introduce my son Wayne.

Pres. Nixon (Introduction of Senate Wives.)

Sen. BROWN: I forgot two very good friends of mine, Mr. and Mrs. Nick Mercelli.

Sen. PORTER: I move that in accordance with the list in the possession of the Clerk, Senate Bills 266-268 be by this resolution, read a first and second time by the therein listed title, laid on the table for printing, and referred to the therein designated Committee.

Adopted.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 266, to approve a road in Merrimack under RSA 162-A:6-b at private expense. (Nixon of Dist. 9 — To Public Works and Transportation.)

SB 267, relative to dual enrollment and child benefit services. (Jacobson of Dist. 7; Spanos of Dist. 8; Foley of Dist. 24 — to Education.)

SB 268, conforming civil actions commenced by attachment and/or trustee process to constitutional due process limitations. (Jacobson of Dist. 7 — To Judiciary.)

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 714, to define the offshore jurisdiction of the state and establishing a marine boundaries commission. Referred to the Seacoast Delegation, Sens. Foley, Preston, Brown and Johnson.

Sen. PRESTON: I move that the rules of the Senate be so far suspended as to waive public hearing and notice in the Journal in regards to HB 714 and it be placed on second reading at this time.

Adopted.

HB 714, to define the offshore jurisdiction of the state and establishing a marine boundaries commission. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: I would like to move the adoption of the committee report ought to pass. HB 714 provides for the extension of the seaward line boundaries of New Hampshire to a distance of 200 miles from the coast or the base of the continental shelf, whichever is greater. It would also provide for a five man commission to be appointed by Governor and Council to work with the Commission of the State of Maine and the Commonwealth of Massachusetts in an effort to reach mutual agreement or compacts on common lateral boundaries between the states. The Commission would consist of three commissioners plus a commercial fisherman plus another appointed commissioner. Essentially with your action tonight, this bill would allow this matter to be adjudicated by the United States Supreme Court.

In might add that the New Hampshire State Attorney General concurred with this approach. There are maps available for the Senators if they care to review it and the particular boundary lines are specified in this and I would urge my colleagues to support the committee report and act on this piece of legislation tonight.

Sen. TROWBRIDGE: Mr. President, while I recognize fully that this will probably pass anyway, I would like to go on record as being opposed to this approach and the whole handling of the matter with the seacoast boundary dispute with Maine. Earlier at the session in Dover we had a resolution coming in concerning the same thing and the boundary dispute started way back in February. If this matter had been properly handled by the Governor and some provisions had been made I think we never would have had to go to the Supreme Court of the United States with an out and out suit between the states and this is one of the first suits between the states in New England within the last 100 years.

The people here should realize that the amount of land in dispute out near the Isles of Shoals is only three hundred and forty acres and that is only one hundred and twenty acres bigger than Dublin Lake and the fact of the matter is that if two sovereign states can't get together and figure out what to do with

340 acres there is really something wrong here. It is estimated that the cost of a law suit before the Supreme Court with all of the records and files and everything else would be as much as one hundred thousand dollars.

Frankly, I don't think that the Justices of the Supreme Court are going to be overly influenced by the fact that New Hampshire lays claim to its boundary two or three days before the suit is filed. This is going to be decided on the basis of some historical claim and not the claim of the 1973 legislature. So, that for all of these reasons I think that this is too little, too late, and the wrong time and prejudiced, even prejudiced our claim before the Supreme Court.

Sen. JACOBSON: Sen. Trowbridge, I believe that in 1971 we established the boundary commission.

Sen. TROWBRIDGE: That is right.

Sen. JACOBSON: Could you give me some idea as to what work and what conclusion that boundary commission came to?

Sen. TROWBRIDGE: I understand that the boundary commission laid claim or worked on, Mr. Bradshaw was a part of that, they claimed to a certain portion of that sea which is about 340 acres that we are talking about and nothing can be done about that until the state of Maine and the state of New Hampshire agree to the boundary claim and they were working on this until we got into the current war.

Sen. JACOBSON: So that, at the conclusion of a year and a half of negotiations there had not been a resolution with the state of Maine with respect to this?

Sen. TROWBRIDGE: I understand that there was not after a year of negotiations, I understand that most of the discussion was within the state of New Hampshire, and not with the state of Maine.

Sen. JACOBSON: So, are you saying that the boundary commission which was established by the 1971 legislature did not have a continuing contact with the opposite numbers or some other persons with respect to the state of Maine?

Sen. TROWBRIDGE: What I understand in February when the boundary dispute came out in the beginning, the Maine officials said that they always claimed it and that they



hadn't heard from New Hampshire and so that is why they made the claim to anything and the rest is related to the New Hampshire fishermen.

Sen. JACOBSON: So that in the period of the establishment of the Commission in the 1971 legislature there were no contacts, or there were very few contacts, with the officials from Maine.

Sen. TROWBRIDGE: That is the way that I understand it.

Sen. PORTER: Do I understand it correctly that the amendments that are in the Calendar on pages 38 and 39 and 40 are not the correct amendments?

Sen. PRESTON: I think that there are some slight differences as to the amended bill that I presented to you.

Sen. PORTER: I have the Chairman's copy with some six pages which are the correct amendments?

Sen. PRESTON: That is correct.

Sen. PORTER: I move that HB 714 be laid on the table for a maximum of 10 minutes.

Adopted.

## RECESS

## OUT OF RECESS

SCR 9, memorializing the commissioner of public works and highways to proceed with the construction of the Nashua-Hudson Circumferential Highway as rapidly as funds become available. Sen. Claveau for the Committee.

Senate Concurrent Resolution memorializing the commissioner of public work and highways to proceed with the construction of the Nashua-Hudson Circumferential Highway as rapidly as funds become available.

*Whereas*, the Town of Hudson and the City of Nashua are located in the most rapidly growing section of the State, and

*Whereas*, these communities serve as a shopping center for the several surrounding towns, and

*Whereas*, the industrial and commercial development of

these communities provide the major sources of employment for the residents of much of southern New Hampshire, and

*Whereas*, the transportation of people and goods is almost entirely dependent on the highways of the area, and

*Whereas*, the principal existing highways of the area pass through the downtown sections of these communities causing severe inconvenience to the travelling public and local business, and

*Whereas*, these communities have planned for and eagerly awaited the construction of the Nashua-Hudson Circumferential Highway since 1967,

*Now Therefore*, be it Resolved by the Senate and House of Representatives in General Court convened:

That the commissioner of public works and highways is hereby memorialized to proceed with the construction of the Nashua-Hudson Circumferential highway as rapidly as state and federal highway funds can be made available.

Referred to Rules and Resolutions.

## COMMITTEE REPORTS

### SB 126

providing for the withdrawal of the town of Newmarket from supervisory union no. 14. Inexpedient to legislate. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, SB 126 provides for the withdrawal of the town of Newmarket from Supervisory School District number 14. The Senate Education held an extensive hearing on this bill and we reported it out unanimously inexpedient to legislate. Shortly before the hearing on this bill the State Board of Education adopted rules and regulations as to the qualifications and the outlines for the structure of a supervisory union.

The Committee felt strongly and one recommendation was that there be a minimum of 2,000 students and in this case it would be approximately 750 students, and we feel that because of that and because until this time we have never had a bill which has established a supervisory union, it has always been

done by the State Board of Education. We brought this in as inexpedient to legislate.

Sen. Preston moved that SB 126 be made a Special Order of Business on Thursday, May 31, at 1:01 .

Sen. PRESTON: Mr. President, as a result of the Board of Education in issuing these new guidelines, in fairness I would like to have an opportunity to discuss this with the town officials in the Town of Newmarket and then report it back.

Sen. GREEN: Mr. President, even though I support the committee report, I rise in favor of Sen. Preston's motion as a basic courtesy to make it a special order for the particular date that he requested.

Adopted.

#### HB 70

providing for the withdrawal of the town of Londonderry from supervisory union no. 10. Majority; Inexpedient to legislate. Minority: Ought to pass. Sen. S. Smith for the Majority. Sen. Downing for the Minority.

Sen. S. SMITH: Mr. President, this bill might have kept us here until tomorrow morning, however, at this time I think that the committee is well united for other reasons for HB 70 to be inexpedient to legislate.

We received a letter today and I would like to read it. "The State Board of Education on May 24th 1973 voted to place the school district of Londonderry into a separate supervisory union effective July 1, 1974.

This action was taken on the basis of guidelines prepared by the State Board task force on Supervisory Union reorganization. These guidelines were accepted by the State Board on this same date. Sincerely yours, Newell J. Paire." I hope we can have this bill as inexpedient to legislate.

Sen. Downing withdrew his Minority Report.

Sen. DOWNING: Mr. President, I rise in support of the majority report, inexpedient to legislate and I withdraw the minority report of ought to pass. I do this quite happily. HB 70 when it came into the Senate was probably one of the finest documented pieces of legislation that had ever come before the

Education committee in my opinion and I was thoroughly prepared to fight on the floor of the Senate relative to the position of the Londonderry School District. I am happy that the Department of Education maintains control over the Supervisory Unions. I am very happy that they have finally set forth the criteria for establishing them and dissolving them and it can only be a great relief for every supervisory union and school district throughout the state and I compliment the sponsor of HB 70, Bill Boucher and the delegation from Londonderry and Derry who turned out in full support of this bill and they made a believer out of men and I will say with all confidence that I could have made a believer out of the Senate if we had the minority report. I urge your support of the committee report.

Sen. CLAVEAU: I would like to say that I am very pleased with the presentation that was made by the Londonderry delegation at the hearing. I thought they made themselves clear and they came over loud and clear. In view of the fact that Londonderry is in my district I think that the Board of Education made a very wise decision.

Majority Report adopted unanimously.

## SB 96

to provide for the citizen's right to sue to protect against damage to the environment. Ought to pass with amendment. Sen. Porter for the Committee.

## AMENDMENT

Amend RSA 498:23 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

498:23 Right to Sue. The attorney general or any person as plaintiff, may maintain an environmental action in the superior court for the county where the alleged violation occurred or is likely to occur, for the appropriate equitable, mandatory and declaratory relief against any officer, agency or instrumentality of the state or of any political subdivision thereof, or against any person, firm, corporation or other legal entity. No person as plaintiff shall be required, as a condition of maintaining such an action, to show special damage or harm to himself or his property. However, no person as plaintiff may maintain such an action without first complying with the provisions of

RSA 498:24; provided, however, that if irreparable harm may occur to persons, property or the environment by virtue of the delay occasioned by the review procedure of the attorney general set forth in RSA 498:24, then any person as plaintiff or the attorney general, may, on or after the time of the presentation of the written petition to the attorney general for review under RSA 498:24, but prior to the filing of the written petition by the attorney general with the clerk of the superior court under RSA 498:24 II, apply to the superior court for appropriate equitable relief to prevent said irreparable harm to persons, property or the environment.

Sen. PORTER: Mr. President, the Judiciary Committee reviewed two bills which they presented to us. SB 96 and SB 108 and they carefully evaluated both of them and they brought in SB 96 with ought to pass with amendment incorporating one provision which we feel should be applied to the bill which addresses, providing for the relief to the Attorney General or to a person to bring suit to protect damage to the environment. The amendment is on page 84 of the Calendar.

SB 96 provides for the procedures to allow a citizen the right to sue to protect damage to the environment. The amendment is on page 84 of the Calendar.

SB 96 provides for the procedures to allow a citizen the rights to sue to protect damage against the environment. The bill was originally introduced as SB 293 in the 1971 session by the Senator from District 12, and the Judicial Council reviewed it together with a similar bill, modeled after the so-called Sax law from Michigan which was introduced by Sen. Koromilas. The Judicial Council recommended SB 96 after their review, the rightness of a private citizen to sue on conjuncture of damages in the court against those engaged in pollution or unreasonable use of land, air, and water is based upon the ownership of nearby private property and showing special injury to one's enjoyment and the use of private property. The individual citizen has no recourse to the courts except in the general umbrella of the contention of his property rights. This bill provides, should it be enacted, the private citizen to sue and restrain pollution of the environment without further damage to particular parcels of real estate owned by him. On the other hand there must be some constraints against unreasonable or so-called strike law suits and for that reason it was built in SB 96, provid-



ing that any person in an action must first prepare a petition and present it to the Attorney General and then the Attorney General may adopt the petition as his own and prosecute it at the expense of the state. Approve the filing to the superior court for the person, the plaintiff may prosecute it at his own expense or he may decline to approve the petition if he finds that it is frivolous, malicious, fails to state a cause for action, or anything else, but the petition is forwarded to the superior court who can review it, shall review it and upon action of the plaintiff or justice, allow the plaintiff to prosecute it at his own expense.

The amendment that I mentioned previously provides that the Attorney General or any other person may apply for conjunctive relief, and the committee without prejudice brought in inexpedient to legislate on SB 108, introduced by Sen. Trowbridge and I urge the adoption of SB 96.

Amendment adopted.      Ordered to third reading.

#### **SB 108**

relative to giving citizens standing to sue in environmental protections actions. Inexpedient to legislate. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, for the reasons enumerated on before without prejudice, the Senate Judiciary recommends inexpedient to legislate on SB 108.

Adopted.

#### **SB 112**

relative to neglected, delinquent and abused children. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill came about from the Governor's Commission on laws affecting children. It is threefold, the first part of the bill does away with the inconsistency in the law as to ages and the age difference between neglected and delinquent children. This is in the cases of seventeen and eighteen and makes it uniformly at eighteen.

The second part of the bill removes the provision in the law that treats neglected children and abused children as if they were criminals and puts them under the jurisdiction of the Probation Department. That part of the law would be removed so that these children would not in effect be put on probation for being abused or neglected by their parents.

The third part of this bill is simply housekeeping. It takes a section of the law which is now inside the chapter on the Juvenile Law and simply mechanically puts it into that part of the law so that it will be found and noticed by the people who are dealing with the law for neglected or delinquent children.

Adopted.      Ordered to third reading.

Sen. McLaughlin moved that SB 216, SB 217, SB 253, SB 259 be laid on the table.

Adopted.

### HB 193

requiring open vehicles to be covered when carrying particulate material. Majority: Ought to pass with amendment. Sen. Claveau for the Committee. Inexpedient to legislate. Sen. Lamontagne for the minority.

Sen. CLAVEAU: Mr. President, the committee on this bill is ought to pass, by the majority report. There were a lot of people who supported the bill and no one was in opposition. The amendment exempts municipal and State Highway vehicles. The amendment was passed to the Senators here and it merely states that it exempts the state and municipal vehicles.

Sen. Lamontagne moved that HB 193 be indefinitely postponed.

Sen. LAMONTAGNE: Mr. President, members of the Senate, I personally feel that if this bill is passed it means that there will be an increase in the construction costs and at the same time I feel that it is unjust to exempt all of the municipal and county government equipment and that means the state of New Hampshire, all of the trucks and there are quite a few trucks in New Hampshire. Now, the hardship that this is going to create, members of the Senate, it means that a cover must be put on to all of these trucks which are hauling gravel. At the same time you take for instance that you have some big construction equipment that is now working on the different highways and for example, the ones working on route 93 in the area of Franconia Notch have to haul their gravel from Twin Mountain and every one of these loads of gravel are hauled by the large trailers. Now, just imagine having a piece of canvas covering a long dump body that is hauling gravel to Route 93. At the same time, on this long piece of equipment, how long will this canvas

stay on this long piece of equipment especially when the wind is going to pull up and blow under this canvas and what good is it going to do?

If the state equipment can be exempt and if the city and county can be exempt then why create a hardship on the poor fellows who are hauling. I am talking now about those poor fellows who have probably one or two dump trucks and these are small trucks that are hauling gravel. At the same time this law exempts those that are hauling hot top or even cold patch. On hot top they claim they have to have a canvas to keep the heat in and I agree because I know enough about it but what about the cold patch?

You don't need a canvas over that and I say that this is unjust, unjust to turn around and say to one group that you have to put a cover and to the other you don't have to put a cover. I don't think that this is right. The law is for everybody not only for a few. Either you pass the law for everybody or else you exempt everybody.

Sen. BOSSIE: Sen. Lamontagne, are you opposed to the amendment or to the bill?

Sen. LAMONTAGNE: I am honestly opposed to the whole thing because the state of New Hampshire can't afford \$600,000.00 for covering plus in the years to come having to hire some employees to cover their loads, it is very expensive.

Sen. BOSSIE: Have you had any occasion when driving on the highway behind one of these sand trucks and all of the sand and pebbles come back and hit your car and gouge it?

Sen. LAMONTAGNE: I am glad you brought that up. We have a statute on the books and if this statute was enforced you would not have this problem. This is caused by some of the trucks, what they are doing are overloading and therefore, they don't leave enough space in their bodies so that the gravel can stay in their bodies. Therefore these trucks are overloaded and they are not seen by their weight but they are overloaded over their sideboards and therefore they are violating the law and if it were enforced you would not have that problem.

Sen. CLAVEAU: Sen. Lamontagne, are you aware that the exemptions exempt the trucks in the construction or any construction project?

Sen. LAMONTAGNE: Yes I am very aware of that but it doesn't exempt the poor guy who is building a new home with a mortgage over his ears and it does increase the cost of the transportation of gravel.

Sen. CLAVEAU: I believe you mentioned asphalt and cold patch being exempt. Can you show me in this bill where it exempts them?

Sen. LAMONTAGNE: If you look in the bill it mentions nothing about hot top and cold patch and the section exempted.

Sen. CLAVEAU: I believe that if you read the bill you will notice that this bill does include asphalt and cold patch.

Sen. LAMONTAGNE: I didn't understand it to be that way and if you would read that section I would be glad to hear it from you.

Sen. CLAVEAU: The bill says, "No person shall operate on any highway any open vehicle loaded with earth, sand, asphalt, stone, or gravel."

Sen. LAMONTAGNE: My apology to you.

Sen. BRADLEY: Sen. Lamontagne, back at the beginning of the session you and I co-sponsored a bill that required a truck, the amendment of the bill required the truck to put chains over logs. We amended it so that they could use other kinds of cables and ropes and as I remember the purpose of that law was that when they haul logs they wouldn't fall on the highway creating a danger to the public. I suppose it is cheaper not to have chains and ropes and my question is isn't that exactly what this bill here is attempting to do by just dealing with another substance?

Sen. LAMONTAGNE: No, it does not. You cannot talk about the three-eighths chain which is the new material that we added because the three-eighths chain was introduced by me and supported by Sen. Adams who is here with us. I introduced that because of the lumber and the pulpwood was getting all over the road and the three-eighths chain corrects the law and made it more safe for people to operate on the highway.

Now the bill you and I worked on was to have an addition to the three-eighths chain and that was to use a cable instead



of a three-eighths chain and the cable was just as strong, in fact stronger, than the three-eighths chain, and I remembered that the Governor did not sign this bill because he felt that the three-eighths chain should be equal to the three-eighths cable. As you probably know that became a law without his signature.

This is a safety measure and it was absolutely nothing to do with these trucks loaded with gravel. If the laws were enforced and at the same time, if the state of New Hampshire's Highway Department and the local municipalities would obey the law and load their loads the way they are supposed to, then the gravel would not be all over the road and the stones would not be all over the road — you have the law on the books — the only thing that is lacking here is enforcement.

Sen. TROWBRIDGE: Mr. President, for some time I have been working to pass a bill such as HB 193. Last year a bill passed the Senate. One of the reasons why it has failed to pass the Senate in the past I believe is because the determined opposition of my good friend from the first district, who has a proclivity of defending the trucking industry which is absolutely superb. I would like to point out a few things in his remarks that are inconsistent. One of the reasons that we had the bill amended is that it says that the municipalities shall be exempt and the fact that most of the opponents have said that the municipalities of the state that because they go rather slowly along the highways with the gravel that therefore they should not be part of the law. We get trapped into buying the amendment and they say o.k. we will do that to help pass the bill and then the opponents say well, this is inconsistent and it should be applied to all trucks or no trucks.

I can't explain the amendment myself, but I do think that there are some distinguishing features between the state of New Hampshire which has most of its trucks, over half, already covered and the argument that the cost of \$600,000 is a fictional figure. The real figure, the cost that should be talked about is the fact that there has been testimony and we have heard that the cost of windshields will have to be replaced this year in the state of New Hampshire comes to an estimated figure of about \$900,000.00, largely due to the fact that either that of the direct contact of stones coming off of the truck or the stones coming up off the road that are dropped by trucks hitting windshields. That is a large monetary cost.



However, nothing can be larger than the cost of the fact, and this happened to my wife two years ago and I used it as an argument then and I will use it now, and that is that she was driving along the highway minding her own business and rocks came off a truck and hit her windshield and she went off the road with two kids in the car and I consider that a cost. I consider it a real cost that I don't put dollars and I can't stand for having the fact that just because we have a law on the books that says that trucks shall not spill, we all know that they do spill, and it is not voluntarily but because of the fact that you have times when the trucks are going 40 miles an hour there is a certain suction behind it or even lower than that that drags no matter how you load it and falls out onto the person following behind.

Now, it should also be noted that Massachusetts did this quite a while ago and the cost of construction did not go up in Massachusetts. When you have got a rate that the cost is between 5,000 and 10,000 the 50.00 for a tarp is not a big cost and I think that arguing the cost in this thing is absurd.

The other part of the bill which Sen. Claveau mentioned is that there is already in the law this exemption for trucks working in a construction zone and the Department of Public Works and Highways, let's say that are doing work on a highway project, they carve out an area two or three miles and they say o.k. that is a construction zone and you can go slowly on a dirt road. You can do different things and load different ways than you normally can on the highway and what it is doing, the exemption here is saying those whose trucks that are going along a normal highway like route 102 out here and will be getting up to speeds of up to 30 miles an hour or 40 miles an hour where the suction, no matter how they fill the truck, will pull the stones out of them. That is where the public needs to be protected and HB 193 does that. I hope that you will vote down the pending motion, and I think that the amendment has some merit to it to exempt the municipalities and I would hope that you would vote the bill through.

Sen. LAMONTAGNE: Sen. Trowbridge, are you telling me and telling the Senate here tonight that in a construction you don't have to have a cover?

Sen. TROWBRIDGE: That is true, it has been true all the way along.

Sen. LAMONTAGNE: So if that is true, in the case of the driver hauling gravel from Twin Mountain to Route 93, that they don't have to cover their trucks for eleven miles?

Sen. TROWBRIDGE: No, because I don't think that the designation of a construction zone, a construction zone is a well defined thing for each job as I understand it and you can give me examples all over the place and I could be right in some and wrong in others and I am not going to fall into that trap.

Sen. TROWBRIDGE: The point is that if it is in a construction zone, yes, if not, no.

Sen. LAMONTAGNE: Is it true that you have been fighting this for years?

Sen. TROWBRIDGE: Yes, sir.

Sen. LAMONTAGNE: What are you going to do about sawdust and chips being hauled over the highway? What are you going to do with that? Does this bill say that they will have to be covered?

Sen. TROWBRIDGE: The interpretation of this bill is that it's one in particular matter and sawdust is something that would not be hard enough to harm anybody. I'll go along with Sen. Blaisdell and take sawdust any day to rocks. I don't think that is the issue here.

Sen. DOWNING: Mr. President, I rise in opposition to the pending motion and support the committee report. I think Sen. Trowbridge kind of hit this right on the head when he said it's not the quantity of the material as much as the speed factor of the vehicle and the wind and air current if you will, digging up the material and dumping it out. There was a number of people that testified before the committee and if these people felt that their lives were endangered by this type of thing happening. Also a justifiable exemption for the municipal agencies is that I believe the Town of Hudson, the officials testified that their Town already has the equipment to cover their trucks and it didn't make any difference to them and the cost of the covers were \$400 apiece. If the municipalities had to go and put covers on all their trucks now they would have to call a special town meeting to appropriate the money. The exemption allows us to find out how this is going to work and if mu-

nicipalities have a problem we can address that at the next session.

Sen. S. SMITH: Sen. Trowbridge, as I read this bill I wonder if it would have any effect on the circumstances which I have been involved with over the last several weeks, coming on 93 from Plymouth to Concord. This is just south of the interchange and there is a sign there that says "Construction zone — Pass with caution" and nothing happens for about ten miles and then all of sudden you come across a few trucks and bulldozers and this is practically every morning. I've followed trucks which are traveling between 65 and 70 miles an hour with gravel in a construction zone laid out by the commission of public works and highways. So, this truck in effect would be exempted from traveling this ten miles at high speeds, would this be exempted under this bill?

Sen. TROWBRIDGE: That is a good question. The point now is that since you don't have to cover trucks at all, the Department of Public Works and Highways isn't at all finicky as to where they make the boundaries of a construction zone because it doesn't matter as to that particular pit, where they cover it or don't cover it. If we had this law in effect, however, then the commissioner could be and would be advised to make the construction zone a narrower type of area and in that it would make a difference as to whether it was a construction zone or not.

Sen. S. SMITH: As I see this job, it moves from one place or another facing bankings and so forth. So, in effect the contract is for a period of a distance of over ten miles so that in effect it would still continue even with the passage of this bill and to be a construction zone, would not the commissioner increase the size of these construction zones?

Sen. TROWBRIDGE: No, you see the construction zone is a technical area. It's not just because you put the sign "Construction zone" That's the kind of a sign that in my opinion does not mean "Construction zone" in the statutes and in the RSA's those are quite narrower for the particular areas and the loading is like the area that you showed me, the Jack-O-Lantern, that is a construction zone.

Sen. SANBORN: Mr. President, I rise not to make a motion but just to speak in opposition to the present motion and

support the bill. I think that Sen. Trowbridge has covered most of the points very well. This was, as it came before the committee, primarily as a safety item and I firmly believe here that practically every Senator has traveled over the highways at one time or another and dodged pebbles and sand and so forth that was coming out of the back of these trucks. As regards to the municipalities and state trucks Mr. President, it did come out in some of the testimony that they moved so slowly around the various places that there was no sense in trying to cover them and I would move the previous question.

Sen. NIXON: That motion would be out of order.

Sen. POULSEN: I rise in support of the motion to indefinitely postpone. I have almost been hit during the last year by stones but it was not by stones off a load of gravel. I have been several times scared by stones from loads of gravel, former loads of gravel, loads which were now empty. Under this bill these trucks can still throw stones at you, it doesn't do anything about cleanliness, sweeping off the sideboards, just as much sand and rocks can fall off the sides as much as the top. So that I think the whole answer to the problem in my mind is freeboards, I think it should be enforced that there be a freeboard above the locality of its own freeboards and we are asking a heck of a lot of money from the towns and so much that it has been exempted, it has been a burden on the state and yet we are willing to pass it on to the small jobber. I think this bill should be postponed or sent to a study committee to make it fit right with the freeboard and cleanliness law.

Sen. LAMONTAGNE: Sen. Trowbridge, I am interested in where you found out the cost figures of the broken wind-shields?

Sen. TROWBRIDGE: Yes, from the AAA and ALA.

Sen. LAMONTAGNE: That explains it.

Sen. MCLAUGHLIN: I move the previous question.

Adopted.

Motion to indefinitely postpone. Lost.

Amendment adopted. Ordered to third reading.

Sen. NIXON: I would now like to introduce a former Senator who is now with us, Sen. Kent Hartman.



Sen. Brown moved that the rules of the Senate be so far suspended as to allow introduction of a committee report on SJR 19 with amendment, not previously advertised in the Journal.

Adopted.

### **SJR 19**

making an appropriation for the planning and design of the proposed Alan B. Shepard State Park in Derry. Ought to pass with amendment. Sen. Brown for the Committee.

### **AMENDMENT**

Amend the resolution, page 1, line 14, by striking out the entire sentence beginning "That the sum of" and ending "in Derry." and inserting in place thereof the following new sentence:

: "that the sum of twenty thousand dollars, including federal funds available, is hereby appropriated to the Department of Resources and Economic Development with cost to the state not to exceed ten thousand dollars, to be expended for the purpose of holding public hearings and having designs and plans prepared for a proposed new state park at the Shepard home-  
stead lands in Derry or such other site in Derry as may be deemed suitable for the purposes hereinbefore stated."

Sen. BROWN: Mr. President, as you may know, the New Hampshire Council of Resources and Development, acting under chapter 470, laws of 1971, made a feasibility study with a view toward establishing a state park named for Alan B. Shepard in the area of Derry, Londonderry, Litchfield and Manchester.

The first priority as outlined in the feasibility study was the establishment of the park at the Shepard home that went in adjacent to the family's present home in East Derry. The site consists of 36.2 acres of land mostly in open field and the area could be properly developed for the purpose intended. After these hearings and examination of prospective sites by the parks division and council members and staff, the council reported on January 15, 1973, that a state park named for Alan B. Shepard in this area was certainly feasible and indeed desirable.

With these recommendations before us, the next step in



establishing the Alan B. Shepard Park would be the passage of SJR 19 which appropriates a sum of \$20,000 to the Department of Resources and Economic Development for the purpose of holding public hearings and drawing specific plans for a new State Park in Derry to honor Admiral Alan B. Shepard.

Senate Joint Resolution No. 19 indicates that plans should include but not delude to consideration of a museum on the premises which reflects the career of Alan B. Shepard in this nation's space program. The resolution also directs the Department to the Division of Parks to work with the National Aeronautics and Space Administration and other appropriate agencies including local, state and town officials and individuals to fully develop appropriate plans and specifications.

The amendment changes the bill to read from \$10,000 to \$20,000. The committee put the amendment in after the hearing in executive session this afternoon in Derry, because the commissioner of DRED said that it would be possible that we can get \$10,000 from BOR. I will read the amendment to tell you exactly what it says. The sum of \$20,000 including federal funds available is hereby appropriated to the department of resources and economic development and that the cost of the state not to exceed \$10,000 to be expended for the purpose of holding public hearings and having designs and plans prepared for the state for the proposed new state park at the Shepard homestead.

At the hearings at the Alan's Memorial building, there were about 25 people present and 14 testified and all 14 were in favor of this resolution. I urge the adoption of this resolution.

Sen. FERDINANDO: Mr. President, if Sen. Brown says this is a good bill, I think we should vote for it.

Sen. TROWBRIDGE: Just for the record, did the department of DRED give you any estimate on the eventual cost of going after the plans and making the park what you want, just some idea so that we know what we are talking about?

Sen. BROWN: No, the price tag will be drawn up at the hearings and the plans and the price tag will be originated then.

Amendment adopted. Referred to Finance.

Sen. BROWN: Mr. President, I have an announcement. I

understand that Alan Shepard's mother is here tonight, Mrs. Shepard is here and I would like to recognize her.

Sen. PORTER: Mr. President, I think my ten minutes has elapsed. Mr. President, I move that HB 714 be taken from the table.

Adopted.

### HB 714

to define the offshore jurisdiction of the state and establishing a marine boundaries commission.

Sen. PORTER: Mr. President, I thank you for allowing the time to review the bill and during the brief period of time some of the other Senators had a chance to look at some of the charts. I want to make as a matter of record that some of the parts of the bill weren't clear and all of the members should be familiar before they vote in favor as I will on HB 714 under suspension of rules tonight. Parts of the bill we have to rely greatly on the good judgment of Attorney General Rudman and Mr. Upton, the chairman of the boundary commission currently with a recommended passage of the bill in its present form. The bill calls for the claim of a title of land outward to 200 miles for the continental shelf whichever is furthest and also claims all of the submerged land with its minimal rights and all of the other characteristics within the New Hampshire boundary period.

The lateral boundary as defined within the bill is 107 degrees east to and brings the line actually not along the line of lakes, which has been the one in question by the Isle of Shoals and the boundary between Maine and New Hampshire. However, there is a provision within the bill that the state of New Hampshire agrees not to enforce or question the legality of ownership of this particular area of land, as I understand it reading the bill which is the 300 plus acres or more in question between the curved area which Maine claims New Hampshire has and the straight line area which New Hampshire claims that it has.

There is a provision in the end Section 1:15 which excludes the law enforcement activities within that particular area. A new law is established consisting of three members and in addition an advisory committee of five persons which shall include a commercial fisherman and one geologist. One of the interest-

ing parts as I read through the bill which I think all of the members should be aware of which might cause us to be back here in the legislature for a special session conceivably, that is, any agreement ratified, must be ratified by the Legislature, any agreement reached between the existing Maine commission and the one that would be created here tonight by New Hampshire, must be ratified by the Legislature and this is something that we should all be aware of.

Finally, the bill does repeal the existing commission. I assume from reading the bill that a totally new three-man commission would be named.

With those words, as long as the Senators are all aware of what they're voting on, I urge the adoption of HB 714.

Sen. BRADLEY: Sen. Porter, On the boundary line, the northern boundary line coming out of the mouth of the river, as I understand it, it would come out at a bearing of 107, is that right?

Sen. PORTER: Yes, as I read it in the bill, Sen. Bradley, wouldn't the bearing be north of the Isles of Shoals and we would be drawing a line thereby including all of the islands which the state of Maine owns for our boundary?

Sen. PORTER: The state of Maine's islands formally made the state's islands are excluded and would be kept in the state of Maine, but the boundary line is 107 as I understand it. Maybe Sen. Preston could answer this better.

Sen. PRESTON: As I see the lines drawn on the map as indicated to me by Attorney Upton, the laterals are 90 degrees true east or actual boundaries which conform with the line we now know as the Lake on Rains.

Sen. BRADLEY: Sen. Preston, you are not saying that the Lake on Rains line is on a degree of bearing of 107, are you?

Sen. PRESTON: As I see the map and as it was explained to me by Attorney Upton, it's indicated that those lines, 90 degrees true east are the natural boundaries as is included in the amendment.

Sen. BRADLEY: Aren't we by adopting this bill claiming a line which goes not with the Lake of Rains line but goes to

the north of all of these and some of this land which is there, there is no dispute but what the state of Maine owns it?

Sen. PRESTON: Not as I understand it as the line on the map explained to me by Attorney Upton.

Sen. POULSEN: I have a question as to where the bearing starts, as I understand it starts within the mouth of the river and I thought it took the line of lakes to the Isles and then took on the bearing of 107. I would like to read that if we could possibly have a minute. (one minute recess)

Sen. SANBORN: Sen. Preston, in looking at your charts the green line that shows where the whaleback to Star Island is, that is approximately the original line that was shown on the map of 1858 and before?

Sen. PRESTON: I cannot answer that question, Senator.

Sen. SANBORN: I think Senator that if you check the map of 1858 and before you will find that they show some whaleback at the mouth of the river and everybody in the Portsmouth area usually considers that to be the mouth, from this to Star Island there is a flight as indicated on all of the maps prior to I think about 1930 or some period in there where the WPA TWA had somebody that had a pretty curved arm and he drew a new map and lo and behold it came out a broader curve for the New Hampshire waters, isn't that true?

Sen. PRESTON: I would acknowledge you to be correct.

Sen. PORTER: Sen. Preston, it would be my inclination to make HB 714 a special order of business as early as possible as next week and my reason being, reading the bill, the lateral boundary lines as defined on page 2 of the bill states that the boundaries adjacent to the state of Maine beginning at the mouth of the Piscataqua River then goes 107 degrees east true of the outer limits of the state's jurisdiction and includes those islands of the Isles of Shoals which are a part of the state of Maine.

Personally looking at the chart, being a former infantryman and not a sailor, I think that this takes me far north of the line of Lakes and it seems to be that we should have this correct if we are to do it and do it right and I think that we will all live if we wait until next Tuesday. I wonder, would you have any opposition if we made this a special order for next Tuesday?



Sen. PRESTON: Senator, I shall not be thought to be blindly led to endorse a bill that I didn't think was correct and I am relying entirely on the wisdom and recommendation of the Attorney General and Attorney Upton, but I understand that the reason this has been requested is that because the United States Supreme Court goes to recess on Monday and if we made this a special order of business we will miss being able to include this in at the court session for adjudication by that body.

Sen. TROWBRIDGE: Sen. Preston, you just said now that if we didn't pass this bill we would miss the court session and is it not true that we would only miss this court session with this bill having passed, is it not true that we wouldn't miss the session?

Sen. PRESTON: I would say that was correct. The request is to present this to the Supreme court by tomorrow if possible so that it can be considered before the recess on Monday.

Sen. FOLEY: Mr. President, I rise in support of HB 714. This bill was introduced by five House members who are from the seacoast area and I think Sen. Preston has done an excellent job in explaining this bill.

This bill is not the final solution of the problem and I think that we all realize that and in fact, the actual makeup of the boundary subject is in — that will be voted on next week and this is co-sponsored by Sen. Preston and myself.

Sen. PRESTON: It is a discouraging thought but we are just a little bit over half way. However there are presently extenuating circumstances and I think that this is putting it mildly, which makes the immediate passage of this bill highly desirable. The Attorney General and the Governor feel that the passage of this bill will add clout to the case when it is presented to the Supreme Court and the Boundary Commission, Chairman Upton agreed to this this afternoon. The commercial fisherman in the seacoast area have a fine, very active association at the present time and they all call and are very anxious to see that the Marine Boundary line will be agreed upon and this bill will hopefully help their cause. I am not here to quarrel over the way the problem has been handled from other ends but I feel that the passage of this bill will help this difficult case and I urge the Senate to pass it. Thank you.



Sen. JOHNSON: Sen. Preston, what happens to the present makeup of the boundary commission?

Sen. PRESTON: There would be two additions as I understand it. Currently Attorney Upton is the chairman of one and as I understand it, it would increase the membership by one commercial fisherman and one geologist.

Sen. JOHNSON: How do you define a commercial fisherman and a lobsterman. They are two different things aren't they?

Sen. PRESTON: Well, a commercial fisherman or a lobsterman are a type that catch fish. As I understand this bill it would permit the appointment of five members, three and one commercial and one geologist.

Sen. JOHNSON: I am still not clear on the difference on a commercial fisherman and a lobsterman, could it be either one?

Sen. PRESTON: Sen. Johnson, when you visit the seacoast area I will arrange for you to take a trip with a commercial fisherman who fishes for lobster and other types of fish.

Sen. PORTER: Sen. Preston, I think your intention of the bill is to define the normal lateral boundary line on the mouth of the Piscataqua River to the so-called mid-boundary of the mouth of the Gosport River and the Isles of Shoals. Is that not correct? That is what the line is that you pointed out on the map and indicating from that point is 107 degrees true east, is that not correct?

Sen. PRESTON: I cannot answer you unless we go over that line again. I assume that you read the map and that that is correct.

Sen. PORTER: If I could convince you that that is what was intended by Commissioner Upton as he explained the line to us yesterday, would you be amenable to an amendment describing that right here tonight using the language that is already in another part of the bill which would conform with that part of the chart?

Sen. PRESTON: Within this body without outside consultation, I would not be amenable to any amendment because I do not profess that knowledge and it must be evident to this body and to the members of the public that are here tonight, that if anything, I am a poor fisherman.

Sen. JACOBSON: Mr. President, I rise in support of the committee report. First may I say that I agree with Sen. Trowbridge that this should be a question of careful negotiations. However, for more than a year those careful negotiations did not take place. I do not know or understand the reasons why they did not take place. As I said down in Dover, I think the matter should be settled in the same manner that Maine settled the matter in 1842 by the Webster Treaty, however, I think it is important to remember that as far as I know the facts, the original precipitant of the action was the state of Maine in the arrest of the New Hampshire fisherman and that precipitated another precipitant action, however, as I understand the facts now, this bill will help move negotiations or the conflict into the negotiating stage and that is the reason for the effort for bringing this on the docket for next Monday for the United State Supreme Court to get some kind of order from the Court so that we can get into negotiations.

I recognize that there are questions with regard to the boundaries and I think that if these are inadequate they will be corrected by a trailer bill and as you know we have had trailer bills before, so I think that we are moving in the right direction and I think that all of the parties now see that negotiation is the right direction and I am hopeful that we will come to that conclusion and therefore I support the bill on the principle that it serves as an aid for that negotiation.

Sen. PORTER: Sen. Jacobson, is it your understanding that the lateral definition, the definition of the northern boundary is 107 degrees true east from the mouth of the Piscataqua River?

Sen. JACOBSON: Senator, my navigational skills are at an absolute zero.

Sen. PORTER: Having looked at the chart which Commissioner Upton has provided to this body, would you agree that the bearing is at the mouth of the Piscataqua River to the mouth of the Gosport Harbour to the Isles of Shoals. On the Isles of Shoals is not 107 degrees which isn't the line that I think Commissioner Upton is trying to reach an agreement on. There is a slight line on the line of lights that that line is not 107 degrees by looking at the chart, it is different?

Sen. JACOBSON: Senator if that chart was written in

Cyrillic languages I could read it as well as if it were written in the English language. My only interest in this is that somehow we can get the negotiations started.

Sen. PORTER: Isn't it conceivable that if we can let's say talk about the line 90 degrees that it might make the court perhaps more aggravated let alone this is slightly more than 90 degrees, 107 when in actuality the line looks to me to be about 150 degrees. Wouldn't this possibly aggravate the situation more by adopting this?

Sen. JACOBSON: As I understand from the information that I have gathered, there is a risk factor in passing this legislation. That much I will agree to but I understand that the Attorney General from the conversation given at the meeting at quarter of four this afternoon, that he is in agreement of doing this and I understand that Commissioner Upton has agreed to do this recognizing the risk factor and I understand that the Governor agrees to this recognizing the risk factor and in fact, if the risk factor becomes serious between our passing this bill this evening over the weekend the Governor has the opportunity not to sign this bill, so that is the option that still remains should this develop into a serious matter.

Sen. PORTER: One more question. Wouldn't it be a fact that if we made this a special order of business for Tuesday next or for Sunday afternoon or for Saturday afternoon, I would be delighted to meet in the performance of my duty, that we wouldn't have any risk factor?

Sen. JACOBSON: I think the risk whereas you speak of is an accepted aggravation risk and where you speak with regards to the drawing of a line is a technical one and that can be corrected by a trailer bill.

Sen. SPANOS: Mr. President, I had asked to be recognized some time ago but I was missed in the discussion. Mr. President, this fishing boundary dispute reminds me a great deal of a fishing boundary dispute some years ago in Great Britain and the United States were involved and it seems that this whole field was studied in school and a test was given on the dispute in many colleges and the issue was raised in the test by a professor and one of the students was Bob Benchley and the question was asked of the students including Bob Benchley and it was, would you please give us the viewpoint of the British concerning the

fishing boundary dispute and also give us the viewpoint of the Americans on this boundary dispute? Benchley sent in his test and it said as follows: Mr. Professor I do not know the viewpoint of the Americans and I do not know the viewpoint of the British but let's look at it from the viewpoint of a fish. I rise in support of the bill Mr. President, reluctantly, for many of the reasons that have been given but I do so for two reasons. Number 1, it will serve as a cease fire offering in the undeclared war with Maine and secondly, this is the first time in my recollection that the Governor and the Attorney General have been in agreement with anything and in honor of this historical occasion I shall support their joint efforts.

## RECESS

## OUT OF RECESS

Sen. McLaughlin moved the previous question.

Adopted.

Adopted.      Ordered to third reading.

Sens. Trowbridge and Bradley wish to be recorded as being against claiming any water among the Isles of Shoals.

Sen. TROWBRIDGE: I want to be recorded as voting against HB 714. Sen. Bradley also wishes to be recorded as voting against HB 714 and also that I did not claim any Maine waters around their Islands in the Isles of Shoals.

Sen. Sanborn moved that the rules of the Senate be so far suspended as to allow a committee report on SB 202 waiving the necessary notice in the Journal and it be placed on second reading at this time.

Sen. SANBORN: I do this Mr. President, because SB 202 does require an appropriation and it will have to go to Finance and we hope it will be cleared out of Finance within a week and we would like to see the bill passed tonight so that it will go to Finance in time for them to inspect it.

Adopted.

## SB 202

relative to the construction of Dover-Somersworth interchange number nine of the Spaulding Turnpike and making an



appropriation therefor. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, two years ago the legislature in its wisdom passed a bill known as the toll road bill providing for funds to improve Route 95, Route 93, 103 and Route 16 north of Dover. This is the route from Rochester to Milford. It was intended that part of this bill would improve the interchange and the northeast side of Dover, known as the Dover-Somersworth Interchange. This has been one that has been needed to be fixed now for some nine or twelve years since the road was built, and it is a small narrow interchange and in one part only allows for traffic to go two ways on the road at the same time, which makes it very hazardous and the way that the circumstances are right now it prevents the city of Dover from improving the land on the southwest side of Route 16. To get this done it would require one million dollars added to the bond issue of two years ago and so the city of Berlin and several others including Mr. Whitaker, from Public Works was at the hearing and they all agreed that this should be done and an important point is that so much of the work has been held up by 101 and Route 16 and so much arguing going on, that they believe that if this bill were passed this interchange could be improved and it is needed to be and it would not hurt the rest of the bond issue to improve the toll road system in the state of New Hampshire. I urge the passage of this bill at this time so that it could be sent to Finance.

Sen. JOHNSON: Mr. President, fellow Senators, Sen. Green and I brought this bill in as part of a bill which Sen. Sanborn said was introduced two years ago but it ran into a little funding trouble. There is a bill in the House that is bogged down now and it was the general advice that the Dover-Somersworth Interchange be taken out of this bill and put into a separate bill to make sure that it gets started along. This has been about ten years in coming and it is very vital to the industrial future of Dover. Dover is an industrial town and it will open the badly needed northwest corner and we are about to run out of industrial land and it was specified at the hearing that the water lines are ready and there are plans for sewage and I strongly urge the passage of this bill.

Sen. LAMONTAGNE: Mr. President, members of the Senate: I did not oppose the suspension of the rules because this



bill has to go to Finance, but there is one thing that I do want entered into the record and that is, I don't think that Sen. Johnson or Sen. Green, the sponsors of SB 202, that if this bill is passed then it means that the eastern New Hampshire Highway Association, who have been fighting for Route 16 and the Spaulding Turnpike to be extended further up north, that if passing this bill and with the problem and trouble that we are now having with Rochester opposing the extension of Route 16, that by passing this bill it only weakens the expansion of the Spaulding Turnpike up north.

We need the support of Dover, it is necessary and in fact Dover was with the northern part of New Hampshire because it was part of the plan, but let me remind the Senate that when Mr. Whitaker appeared before my committee, that Mr. Whitaker, the Commissioner of our Highways so stated and this is part of the record that he favored HB 247. This is in the records of our committee. At the same time I am sure that the committee is well aware that I said that I wanted to put an amendment to this bill and I asked Sen. Johnson, one of the sponsors and I am sure that Sen. Johnson remembers that I asked to put an amendment in, but now I only hope that this goes to the Finance Committee and you better be prepared because I am going to be prepared to fight and I am going to have people to back me up.

Sen. GREEN: Coming from the district involved in part of the total pact involved in HB 247, I was very fearful and still am very fearful that HB 247 may be in trouble and I feel that this is part of that bill that had no opposition at all and that is the interchange that was referred to in this bill and this interchange is very important to the area, not only the Dover-Somersworth but Rochester as well. It will open up this area and there is no reason why it should be held up because there are problems with other parts of this bill. I also understand that Strafford County is building a new courthouse and this new interchange will be a quick access to that new courthouse. I am sorry that Sen. Lamontagne feels the way he does, however, I am aware from the way in which he speaks that he knows the real problems with the possibility of HB 247 as it now exists in the House. I do feel that this interchange should not be lost for the future development because of the reason that this is an omnibus bill and I think each part of HB 247 should stand on its own merits and I urge the Senate to pass SB 202.

Sen. LAMONTAGNE: Sen. Green, how long are we going to have to wait in our area at the end of the Spaulding Turnpike for all of the accidents that are now occurring, how long are we going to have to wait for that to be corrected?

Sen. GREEN: I don't know the answer to the question, all I know is that this bill covers the interchange part and we should not argue on the other parts and I feel that this should exist on its merits and it should not be tangled up with all of the other arguments.

Sen. CLAVEAU: Mr. President, I rise in support of the Committee report. There was no doubts in the minds of the committee having Commissioner Whitaker testify, that this is a safeguard bill. The reason why this bill is in is eventually if HB 247 does not pass the House, that this work on the Somersworth-Dover Interchange could be completed, and if HB 247 passes the House and the Senate than this bill will cover the total work to be done and I urge your support on SB 202.

Adopted. Referred to Finance.

Sen. FERDINANDO: I move that the rules of the Senate be suspended to allow the introduction of several committee reports not previously advertised in the Journal. Said reports being on SB 185, SB 186, SB 188, SB 190.

Sen. FERDINANDO: One of the reasons why these bills are going to a study committee is that there are worthwhile factors to be considered. Department bills should normally be filed by October 1st and this being the third session that I have seen myself, that the Commissioner seems to wait until the very last minute to introduce bills like this and it makes it very awkward to conduct the hearings properly. My motion is that all four of these bills be sent to a Study Committee.

Sen. LAMONTAGNE: I am the sponsor of one of these bills but first I would like to clarify the record again. That is, the Commissioner of Insurance had absolutely nothing to do with the lateness of these bills because these bills were in for two months and they should have been a lot earlier but he is not responsible for these bills coming in at this late hour.

Sen. PRESTON: Sen. Ferdinando, as a freshman Senator I would like to ask you a question. Is this a committee report

in effect or is this to be determined by a committee and that is why it is being referred to a Study Committee?

Sen. FERDINANDO: These are committee reports. What happened here is that during the interim study period the committee would not have a chance to properly notify people that are interested in these bills and it would allow these committees to do this and it would also allow the committee to make their own recommendations.

Sen. PRESTON: As I understand you Sen. Ferdinando this is a committee report and the majority of the committee made this decision?

Sen. FERDINANDO: Yes it was on unanimous report and I checked it with the sponsor of the bill and I do have his approval.

Sen. SPANOS: Mr. President, I rise in opposition to the motion to refer these bills to an interim committee. I am one of those who believe that the Commissioner of Insurance is a young man who does his homework and who has done a great job in the field of consumer protection and I know it's rare, although I can't say always, it's rare that the Commissioner of Insurance will submit to this body or any body any kind of legislation which is detrimental to the people of the state of New Hampshire and I think for them not to have these bills considered properly and debated and discussed at this time, first of all, it would be a blow to the commissioner's efforts and secondly, it would be a blow to what I believe the consumers of our state. I think they should be given their day in court and I would hope that you reject this so some motion could be made to make them a special order for next week.

Sen. DOWNING: Sen. Ferdinando, what does SB 185 refer to?

Sen. FERDINANDO: SB 185 is a bill that is trying to move up the calendar of days where claims have to be paid. In testimony this morning, and there is a chapter on this, the claims are not paid and I think this under 407:14, one of the periods of time is 60 days and the insurance department has the authority to fine the companies \$2,500 on each occurrence and there is already a statute that covers this very, very well. I think Sen. Lamontagne is the sponsor of this bill, and he is aware of it.

Sen. DOWNING: SB 185 closes up the time period or shortens that time period, is that permissible?

Sen. FERDINANDO: No, it doesn't have that effect on the existing statute. The existing statutes already include a good part of what is in this bill and as far as the time period is concerned, there is question as to whether fifteen days is a reasonable period of time that it should be debatable. There is debate on whether it should be 20 days or 25 days and there is a lot of discussion here and I will discuss the merits with you if that is what you are looking for.

Sen. DOWNING: You had another bill relative to Blue Cross-Blue Shield?

Sen. FERDINANDO: Yes, SB 188. This gives the commissioner complete authority. He would no longer be serving in a regulatory manner, he would actually be dictating as to who is going to be at a certain meeting and this is not by memory, I do have notes on all of this. All of the hospitals were opposed to it and the room was filled with people opposed to these bills and the committee unanimously agreed that these types of bills need much further study.

Sen. MCLAUGHLIN: Mr. President, members of the Senate, I attended the hearing this morning for several hours and I must agree with Sen. Ferdinando that these bills should be sent to a study committee because they are very complicated and there were many questions this morning that were unanswered and there were very serious accusations made by both sides and we did have a full house of people appearing and I am sure that none of us are capable in this short period of time of coming up with an intelligent answer to these and even the commission and a representative from the insurance office admitted that there were some errors in some of the bills that needed to be corrected and we surely should take the proper time and I recommend along with Sen. Ferdinando that they be sent to a joint study committee.

Adopted.

#### SB 185

to require prompt payment of automobile and fire insurance claims. Be referred to Banks and Insurance Interim Study Committee. Sen. Ferdinando for the Committee.



Sen. DOWNING: I move that SB 185 be made a Special Order of Business for Thursday next at 1:02.

Motion lost.

Adopted. Referred to Banks and Insurance Interim Study Committee.

#### **SB 186**

providing for minimum standards for health insurance contracts and providing for the approval of life, health and accident insurance forms and rate by insurance commissioner. Be referred to Banks and Insurance Interim Study Committee. Sen. Ferdinando for the Committee.

Sen. SPANOS: I move that SB 186 be made a Special Order of Business for Thursday next at 1:02.

Motion lost.

Adopted. Referred to Banks and Insurance Interim Study Committee.

#### **SB 188**

providing for greater consumer control over Blue Cross and Blue Shield and their contracts with providers of health care. Be referred to Banks and Insurance Interim Study Committee. Sen. Ferdinando for the Committee.

Sen. DOWNING: I move that SB 188 be made a Special Order of Business for Thursday next at 1:02.

Motion lost.

Adopted. Referred to Banks and Insurance Interim Study Committee.

#### **SB 190**

to eliminate unfair profits of insurance companies writing automobile insurance. Be referred to Banks and Insurance Interim Study Committee. Sen. Ferdinando for the Committee.

Sen. SPANOS: I move that SB 190 be made a Special Order of Business for Thursday next at 1:02.

Motion lost.

Adopted. Referred to Banks and Insurance Interim Study Committee.



Sen. Foley wishes to be recorded as voting against referring the above four bills to interim study.

**SB 116**

establishing the position of park and forest security officer in the department of resources and economic development; and making an appropriation therefor. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, SB 116 establishes the position of a park and forest security officer in the Department of Resources and Economic development. The Department of Resources and Economic Development believes that this solution is necessary because of the problems in over-crowding of camp-sites, vandalism, thefts, etc. This person will be especially trained in police and security matters and equipped with a vehicle and radio to call in for backup support when needed. The national forestry took this action four years ago and it has alleviated these problems in their areas.

This bill appropriates the sum of \$32,369 for the biennium for this position. I move its passage.

Adopted.      Referred to Finance.

**SB 151**

relative to changing the commemoration of Memorial Day to the last Monday in May. Minority: Ought to pass with amendment. Sen. Green for the Committee. Majority: Inexpedient to legislate. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, SB 151 would have reversed the decision of the legislature whereby it reversed Memorial Day to its original or historic date, May 30. The sponsors of this bill were from the Nashua area and there had been an adverse reaction to the return of Memorial Day to its original date and they introduced this legislation on the basis that many people were confused and there was a great deal of confusion and perhaps that the Senate acted in haste and didn't give the subject matter enough consideration. I would say that if that was the position for the reasons of the sponsors of the bill were legitimate or valid or had any matter at all, then the majority report should prevail because as confusing as it may have been, they made the adjustments in industry, schools, municipalities and so forth, and those adjustments have been made and I can

assure you that everybody has adjusted to the new date. Whether they are celebrating it on that day, on the Monday, on the Sunday, or for two days, I offer that everybody has adjusted to the date. For example, the city of Manchester, their merchants planned advertising in the Boston papers to promote shopping in Manchester on Monday when Massachusetts will be closed. Certainly that is something that can't be changed now. Just as a legislative process alone does not lend itself to really making this bill effective before the holiday period arrives. There were some who I think were supporting it because they felt that it applied to just this year when in fact the bill has changed the holiday back on a permanent nature.

The minority report was going to include an amendment to make effective for just this year. I think that the way the committee felt was that it would only create total chaos if it were passed both by the House and the Senate and signed into order by the Governor which was felt, and justly so, to be an impossibility at this point and saying nothing of the questions that might be raised about the capacity of this body to make some decision that would act favorably or in any other way supporting the majority report. I urge your support of the majority report and make this bill inexpedient to legislate.

Sen. S. SMITH: You talked about people of this date being adjusted, is this like adjusting to a straitjacket?

Sen. DOWNING: No, Senator, I think with the Monday holiday scheduled and the confusion in adjusting, you will recall that the states south of us changed the holidays a couple years before we did, before the federal holidays, so you know that it is nothing new to adjust to a holiday period that has been changed and I would just like to set forth for your consideration that the adjustments that have been made to observe this holiday back to the original date of May 30th as prescribed in the present law have been made.

Sen. S. SMITH: Senator, did we pass a resolution earlier requesting congress to change the date of Memorial Day to the day of May 30th?

Sen. DOWNING: Yes.

Sen. S. SMITH: Is Memorial Day a state holiday or a national holiday?

Sen. DOWNING: Senator, Memorial Day is both, a state holiday and a national holiday.

Sen. BLAISDELL: Sen. Downing, you stated that we have confusion. When this bill was introduced by Sen. Porter and Sen. McLaughlin almost a month ago, could we have straightened the confusion out by returning this to Monday?

Sen. DOWNING: At that point I don't think we could have. I think that the effort would have been futile and the adjustments would have compounded any confusion that existed at that time and as you know, there was an attempt to expedite this as considered by the rules and it was not supported by the Senate.

Sen. BLAISDELL: Do you mean to say that if we acted on this bill like we should have right away that we could not have taken the confusion out of this day whether it be Monday or Wednesday?

Sen. DOWNING: I think we acted on the bill as we should have and if we had acted any differently I don't think that it would have lessened the confusion.

Sen. NIXON: The Chair would just like to state that it's doubtful in my mind that any vote is going to be changed by debate or questions.

Sen. SANBORN: Sen. Downing, may I ask that the majority of the people that appeared before your committee in favor of SB 151 were of some particular type?

Sen. DOWNING: Well, I think they represented the industrial complex primarily I would say and were definitely management people and primarily from two sections of the state, the general area of Keene and the Nashua area.

Sen. SANBORN: Before your committee wasn't there some question relative to the confusion that this was going to cause in the field of banking because the computer in Boston would have been closed and the banks up here would have been doing business?

Sen. DOWNING: Well, there were some questions of this type raised Senator and none of them were really valid. It was the type of questions that had two different answers and it just depended upon what position you wanted to take.

Sen. SANBORN: These same people that found confusion in the computer at the bank for Memorial Day didn't seem to have an answer when the computer was checked down in Boston for I believe Patriots Day and our bank up here was still open, did there seem to be much confusion at that time?

Sen. DOWNING: No, and they were operating and this point was brought out in committee hearing as well as the national days of mourning when the federal institutes were closed down and I think it boils down to primarily that there was a reaction in some districts by probably the industry interest in particular and I think that is probably why the sponsors of the bill responded to that reaction and that interest and I think that was demonstrated at the hearing. I think there is something else that was read into the hearing which I didn't like as well and that was the several references to the Governor and I felt that there was much opposition there because the Governor favored the return of these days for other reasons.

Sen. SANBORN: Was there any testimony given as to the number of states throughout the country that have changed back to the 30th for Memorial Day?

Sen. DOWNING: There was testimony given Senator. I can't tell you exactly what the number was because I don't have the committee file here. It seems in the area of a half a dozen and there were probably many more with bills pending in the legislature currently and several petitions before the congress to change it back.

Sen. JOHNSON: What is the effective date of this bill?

Sen. DOWNING: The effective date of this bill is immediately and it would apply on passage, that would be the signing of the bill by the Governor.

Sen. JOHNSON: So, if this bill should be passed it can't be done anyway, can it?

Sen. DOWNING: In my opinion, no. I don't really think that's the point being taken here.

Sen. JOHNSON: If this happened to be passed and signed, the confusion of the change on the holiday on Sunday night would be fantastic wouldn't it?

Sen. DOWNING: That's the understatement of the hour.



Sen. JOHNSON: I move that SB 151 be made a Special Order of Business for 1:10 on Tuesday next.

Motion lost.

Sen. Lamontagne moved that SB 151 be indefinitely postponed.

Sen. LAMONTAGNE: I move that SB 151 be indefinitely postponed. Mr. President, members of the Senate, I would like to remind the Senate that the Don Hopkins school will be closed on May 30th; the city council of Concord denied a request from 31 city workers who signed a petition asking that the holiday be observed on May 28th so that they may be given a three-day weekend and the council voted unanimously to observe the holiday on the country's war-dead, May 30th following the state legislature's lead. They stated the reasons were that the legislature passed a law shifting Memorial Day back to May 30th, this is Concord. I have another one here from the Veterans and they are planning some celebrations on May 30th, these are Veterans in Concord. To be closed on Monday, May 28th and Wednesday, May 30th, and this is the White Mountain ——— 35 and they will be closed on Wednesday, May 30th to observe the holiday and the school districts will also be closed on Monday and the reason they gave for this is because they did not have any snow and therefore, they could find an extra day to give the kids a day off, May 28th. I have another one here from Sunapee, a parade scheduled May 30th. At the same time, I know of one that is going to celebrate Memorial Day on the 28th and that is the Concord Monitor, they are going to be closed on May 28th and they are going to be open on May 30th. Mr. President, to be fair and honest to this Senate I want you to know that my school board has voted to have the celebration on Monday but I can guarantee you that there's going to be an awful fight when I get back because it will be closed on May 30th because I plan to make an appearance before the city council and you can be sure of that.

Sen. GREEN: Mr. President, I know the hour is getting late but I have a few things and I will be short about it. I was going to make a motion but realizing that there is already a motion on the floor, I want to speak against that motion. That is, ought ot pass should be for this SB 151 and I have good reasons for it I believe. Number 1, we originally passed SB 31 that allowed us to make this change and if we found that in a lot of



districts, that having made this change that we caused a lot of confusion and more people than we realized appreciated the three-day weekend, this is not saying that they didn't appreciate Memorial Day and celebrating Memorial Day.

What I am really concerned about at this point is how this whole thing was handled since it was brought into the Senate. SB 151 was brought into the Senate almost a month ago and the Senate refused to suspend the rules and I respect and it was sent to a committee, the Ways and Means committee of which I am a member and I should say that there was an attempt by members of that committee to hold this bill so that it would not be heard until the last minute. I would agree that it is academic now as far as this year is concerned. I would also agree that if this bill had come out of committee on the Senate floor on time and had gone to the House, that this change could have been made because there was plenty of time if it was handled properly. I am also concerned that this bill not only changes the date for this year but also changes the date for future years and returns it back to the 28th. I originally was in favor of the original bill that was not to take effect until January of 1974, thus giving industry in our state and the employees in our state a chance to make the adjustments and do it properly. I think we made a mistake and it is wisdom to admit a mistake and we did make a mistake in passing the original bill changing Memorial Day to May 30th with such quick notice. Thank you.

Sen. DOWNING: Sen. Green, can you tell me one other bill that was handled any faster or scheduled any sooner before a hearing in the Ways and Means committee than this bill?

Sen. GREEN: All I am saying is that this particular bill, I can recall waiting one afternoon to almost six o'clock when we were told that we would have an executive session to work on this bill, and I am also aware of another occasion when I was told to sit and wait for an executive session. I am also aware a particular member of the committee was in the State House but did not appear for that hearing, I would say that that was not an accident that happened.

Sen. NIXON: The Chair would state that it's doubtful in my mind that any vote is going to be changed by debate or questions.

Sen. DOWNING: I'm a little sensitive to your remarks and

I think that it's understandable and I would just like to ask you again as a member of the Ways and Means committee, do you know of any other bill that was scheduled for hearing, a public hearing any faster than this bill was?

Sen. GREEN: I would say no, there was no other bill that was scheduled for a hearing any faster, but I do know of a lot of bills that were returned out by this committee after hearing a lot faster. Thank you.

Sen. PORTER: I move the previous question.

Roll call requested by Sen. Lamontagne, seconded by Sen. Blaisdell.

Yeas: Sens. Lamontagne, Poulsen, Gardner, Jacobson, Spanos, Nixon, Sanborn, Brown, Bossie and Downing.

Nays: S. Smith, Bradley, Green, Blaisdell, Trowbridge, Porter, McLaughlin, Claveau, R. Smith, Ferdinando, Provost, Johnson, Preston and Foley.

Division: Yeas 10; Nays 14.

Motion lost.

Sen. GREEN: I move that the words ought to pass, be substituted for the words inexpedient to legislate.

Division: 14 Yeas, 9 Nays.

Adopted.

Sen. BROWN: Mr. President, I would like to introduce a couple of people that I forgot earlier, the chairman of the board of selectmen, Merle Kimball from Danville. Mr. David Rockwell from Epsom.

Sen. JACOBSON: I would like to introduce a very distinguished gentleman here, the former doorkeeper Merton Weber.

Sen. LAMONTAGNE: I would like to introduce along with Mr. Weber, Larry Burbank.

Sen. PORTER: I would like to introduce a friend of mine Bill Caravan from Barry.

Sen. DOWNING: I would like to introduce a couple of gentlemen from Salem which I am sure they are somewhat less happy right now, the president of the Salem Veteran's Associa-

tion Harold Balfour. Also John Packard and the former commander of both the American Legion Posts in Salem and the WWI barracks, Carleton Query.

Sen. PORTER: I can't fail to recognize a constituent and a past president of the state VFW Stan Shay.

Sen. BROWN: I would like to thank on behalf of the New Hampshire State Senate, everybody that attended here this evening to see how the Senate works and I would particularly like to thank the specific groups that worked with me to accomplish this affair. The Greater Derry Chamber of Commerce, the Derry JC's, the Greater Derry League of Women Voters, Derry Lions Club, Rotary Club, Greater Derry Junior Women's Club, Derry Democratic Town committee, Nutfield and Derry Federated Republican Women's Club and the Hampstead Lion's Club, and I would particularly like to thank Mrs. Mae Paston for coordinating all of these groups together and also I would like to thank Mike Hansen who let us use his announcement system.

Sens. Foley and Porter moved that all bills requiring further action, including those bills listed in the Calendar, but not limited to those listed in the Calendar, but in the possession of the clerk and reported out under Joint Rule 10 and 19 be laid on the table.

Adopted.

Sen. FOLEY: I move that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the readings of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

### LATE SESSION

#### Third reading and final passage

SB 152, relative to liquidity requirements of building and loan associations, cooperative banks, and savings and loan associations.

SB 164, clarifying and making co-equal the terms, shares and deposits, and shareholders and depositors under RSA 393 which regulates building and loan associations.

SB 155, relative to limitations on the loaning authority of building and loan associations, cooperative banks and savings and loan associations.

HB 832, increasing the debt limit for the Merrimack school district.

SB 76, relative to tuition payments for handicapped children and making an appropriation therefor.

SB 23, to provide a procedure for the examination of an alleged incompetent and if confirmed so to be, for the appointment of his her guardian.

SB 96, to provide for the citizen's right to sue to protect against damage to the environment.

HB 714, to define the offshore jurisdiction of the state and establishing a marine boundaries commission.

HB 819, relative to tires as defective equipment on motor vehicles.

SB 112, relative to neglected, delinquent and abused children.

SB 113, establishing the Franklin Pierce Law Center.

SJR 13, to establish an interim study on uniform vehicle laws.

SB 206, providing that if the insured prevails in a declaratory action against the insurer, he shall receive costs and attorneys' fees.

SB 213, relative to the form and contents of writs.

SB 215, increasing the limit of the concurrent jurisdiction of district courts in civil matters.

SJR 17, establishing a committee to study the adequacy of laws relating to the confidentiality of the records of state agencies.

SB 127, to eliminate the blod test requirement for barbers and hairdressers.

SB 160, requiring the use of safety glazing materials in

hazardous locations, in residential, industrial, commercial and public buildings.

SB 154, providing for certificate of need for health care facility capital expenditures.

HB 193, requiring open vehicles to be covered when carrying particulate material.

HB 807, permitting the director of the division of motor vehicles to use a facsimile signature on any official document signed by his authority.

SB 151, relative to changing the commemoration of Memorial Day to the last Monday in May.

Adopted.

Sen. TROWBRIDGE: I move Reconsideration of SB 96.

Motion lost.

Sen. FERDINANDO: I move Reconsideration on SB 185, SB 186, SB 188, and SB 190.

Motion lost.

Sen. BLAISDELL: I move Reconsideration on SB 151.

Motion lost.

Sen. Brown moved the Senate adjourn at 10:30 p.m.

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## *Tuesday, 29May73*

The Senate met at 1:00 p.m.

(Sen. Spanos in the Chair)

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

We give thanks unto Thee, O Lord, for all who have nobly lived, bravely died, and have kept the faith.

May we who have inherited their heroism and self sacrifice, honor their memory and preserve their high purpose — in order



that the Nation they served may stand forever in the light of righteousness and peace.

We ask this in the Name of the Prince of Peace. Amen.

### PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Mr. Healy, Mr. McGee, and Mrs. Horton.

### RECONSIDERATIONS

Sen. Porter moved reconsideration of HB 714.

Adopted.

Sen. Porter moved that HB 714 be recommitted to the Seacoast Committee.

Sen. PORTER: Mr. President, this was acted upon under suspension of the rules last Thursday night. At that time most of us did have the time to study it. However, I believe that we acted in good faith and passed the bill in the interest of having it available for use by the Attorney General at the earliest possible time. I think that we did act a little hastily without full information on the bill. In particular in dealing with the definition of section I:12, the lateral boundary adjoining the state of Maine with New Hampshire, whereby the line is defined as 107 degrees bearing coming out of the mouth of the Piscataqua River. It is my understanding that the argument that we have been using, which we have applied ourselves to, has been dealing with the line from the river mouth from Gosport Harbor on the Isles of Shoals. The bill is incorrect as I understand it. I have talked to the Governor's office to ask them their view as I have Mr. Upton and Attorney General Warren Rudman. Everyone is now in agreement so far that I can see that the bill should be reconsidered by the Senate. For that purpose I move for Reconsideration.

Sen. JACOBSON: What is the present status of the bill?

Sen. PORTER: The present status of the bill is that it was passed by the Senate and is back in the Senate as an enrolled bill.

Sen. PRESTON: I have talked with Attorney General Rud-

man and the Governor's office and they agree that this will be good business to reconsider this.

Adopted.

Sen. Johnson moved reconsideration of SB 160.

Adopted.

SB 160, requiring the use of safety glazing materials in hazardous locations, in residential, industrial, commercial and public buildings.

Sen. JOHNSON: This bill is the one that pertains to tempered glass and the amendments that got into the size of commercial store windows. I checked with a division of the Portland Glass Company and at the present time they are not set up to handle tempered glass replacements in the big windows. I feel that this should go back to committee to be reconsidered.

Sen. FERDINANDO: As chairman of the committee I have no objections to this.

Sen. Johnson moved that SB 160 be recommitted to the committee on Public Health, Welfare and State Institutions.

Adopted.

## HOUSE MESSAGES

### HOUSE CONCURRENCE

SCR 4, relative to the National Service Life Insurance for Veterans.

SJR 20, providing for an additional appropriation for expenses of the legislature.

HCR 6, to petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools.

### SUSPENSION OF RULES

Sen. Lamontagne moved that the rules of the Senate be so far suspended as to allow for an introduction of a Senate bill, SB 269 beyond the deadline.

Sen. LAMONTAGNE: This was not considered at all by the Senate.

The CHAIR: It was withdrawn from the original bill?

Sen. LAMONTAGNE: This matter of the weights and widths for the emergency equipment has nothing to do with SB 17.

Sen. DOWNING: Senator Lamontagne, this SB 269 that you want to introduce that in essence is that part of SB 264 which you amended out in the committee hearing?

Sen. LAMONTAGNE: Yes.

Sen. DOWNING: Senator, would you just expand on this 5% discretionary period that you would like to pass?

Sen. LAMONTAGNE: The thing is right now, when the wood comes out of the woods and right now we have been having a lot of rain and therefore you have mud and at the same time the wood might be green, and it might be half dry so therefore there is a reference to the difference.

Sen. DOWNING: Whether it's a hundred percent or a hundred and five percent somebody has to make a judgment as to how much weight is on that truck and I fail to understand what difference the additional 5% would make.

Sen. LAMONTAGNE: Some of the trucks have been weighed. But if they have the 5% overload limit then they would have a little leeway.

Sen. DOWNING: Along with that, Senator, officers may or may not allow a tolerance?

Sen. LAMONTAGNE: That's up to the officer.

Sen. DOWNING: I rise in opposition to the pending motion. I do so because I feel that it's an area that a great many of the people of our state are concerned with. I don't feel that having dealt with SB 17 and being aware of the interest that was indicated in here that it would be fair to the people involved to allow the introduction of this bill at this time.

Sen. POULSEN: Mr. President, I rise in support of the motion. Actually what this bill does is nothing as grievous as I believe Senator Downing thinks. The 5% difference in weight

can happen in the time of loading or any time until it is received. It can happen in heavy rainstorms, etc. To estimate weight is almost impossible because of the moisture factors that accumulate.

### PARLIAMENTARY INQUIRY

Sen. BOSSIE: What is the vote required?

Sen. PORTER: Will that also require two thirds of the House?

Sen. DOWNING: Sen. Poulsen, would you explain to me if a man alone in a truck, wet or dry, can't estimate a dry load within 5%? And why by giving him 5% more how he is going to estimate any closer to the actual amount?

Sen. POULSEN: The legislation is permissive. It gives the weighing officer the chance to use his discretion as to whether or not he should use the 5%.

Sen. DOWNING: What happens Senator, if the officer does not want to grant the 5%? What will we do to get him transferred out of there?

Sen. POULSEN: He has that discretion.

Sen. BROWN: Can you give me the approximate weight on a truck of that nature?

Sen. POULSEN: I think that with a 5 axle rig you are allowed 70,000 pounds.

Sen. BROWN: Am I correct in saying that with a 75,000 pound load it would be just less than two tons?

Sen. POULSEN: That's correct.

### RECESS

### OUT OF RECESS

Sen. Lamontagne moved that motion whereby the rules of the Senate were so far suspended as to allow introduction of SB 269 be laid on the table.

Adopted.

Sen. PORTER: I move that in accordance with the list in the possession of the Clerk, the following House Bills 809

through HB 609 shall be, by this resolution, read a first and second time by the therein-listed title, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 809, relative to the expenses of education in public institutions. Referred to Education.

HB 502, lowering to age three the age at which special education for handicapped children shall begin and making an appropriation therefor. Referred to Education.

HB 755, conferring immunity from civil suit on municipal executives acting in their official capacity. Referred to Judiciary.

HB 574, relative to advanced registered nurse practitioners. Referred to Public Health, Welfare and State Institutions.

HB 866, allowing local wineries to sell wine directly to the consumer at the winery. Referred to Ways and Means.

HB 658, relative to the responsibility for erroneous or false data on plans for sewage or waste disposal systems. Referred to Resources and Environmental Control.

HB 293, relative to exemptions available for the New Hampshire property tax. Referred to Ways and Means.

HB 557, exempting dividends of New Hampshire bank holding companies from the interest and dividend tax. Referred to Ways and Means.

HB 624, relative to payment of business profits tax. Referred to Ways and Means.

HB 693, relative to debt transition period following adoption of optional fiscal year. Referred to Finance.

HB 720, relative to amending the RSA by deleting the word "poll" and substituting where applicable the word "resident". Referred to Executive Departments, Municipal and County Government.



HB 706, providing for a permanent retirement system for employees of the city of Manchester if adopted on referendum. Referred to the Manchester Delegation.

HB 567, relative to the interest rate charged on delinquent taxes in the city of Portsmouth. Referred to Finance.

HB 689, relative to prohibiting the use of petroleum powered boats on Mount William Pond in the town of Weare. Referred to Recreation and Development.

HB 803, to reclassify the surface water of Nubansit Brook and the headwaters of Lake Skatutakee in the town of Harrisville. Referred to Recreation and Development.

HB 784, relative to hawkers and peddlers and street sales. Referred to Judiciary.

HB 834, relative to allowing members of standing and interim committees mileage for attending meetings. Referred to Finance.

HB 849, relative to identification for all service-type employees. Referred to Judiciary.

HB 856, requiring the reporting of drownings and boating accidents upon New Hampshire waters. Referred to Resources and Development.

HB 475, relative to fees payable to cities and towns where racing meets are held. Referred to Ways and Means.

HB 814, relative to sand eels. Referred to Recreation and Development.

HB 653, providing for trial of certain misdemeanors by six members juries. Referred to Judiciary.

HB 703, to transfer or repeal all of title LVIII (crimes and offenses) except chapters 570-A, 571-B, and 585 and to rename the title. Referred to Judiciary.

HB 716, to codify the Uniform Partnership Act. Referred to Judiciary.

HB 636, providing an attorney for indigent persons seeking employment compensation benefits. Referred to Judiciary.

HB 826, relative to the repeal of the section excepting the

office of employment security from the operation of RSA 91-A. Referred to Executive Departments, Municipal and County Governments.

HB 861, relating to limited partnerships. Referred to Judiciary.

HB 871, relative to the jurisdiction of the probate courts. Referred to Judiciary.

HB 872, relative to appeals from probate courts. Referred to Judiciary.

HB 975, relative to the use of recording devices in superior and district courts. Referred to Judiciary.

HB 984, relative to landlord-tenant relations. Referred to Judiciary.

HB 986, relative to recovery of medical assistance from legally liable parties. Referred to Public Health, Welfare and State Institutions.

HB 987, relative to the alternate salary of special justices of district courts. Referred to Judiciary.

HB 952, permitting the town of Durham to revert to a calendar year accounting period and providing for an appropriate transitional budget. Referred to Executive Departments, Municipal and County Governments.

HB 953, permitting the town of Durham to issue five-year bonds in lieu of collection of a portion of town taxes. Referred to Executive Departments, Municipal and County Governments.

HB 796, relative to excusing school attendance for handicapped children. Referred to Education.

HB 905, requiring that public schools provide instruction relative to infirmities caused by drugs and venereal disease. Referred to Education.

HB 930, to amend the Lebanon city charter, and to provide for election of Lebanon school district officers at city elections. Referred to Executive Departments, Municipal and County Governments.

HB 955, relative to the sale of liquor and alcoholic beverages.

ages by restaurant-cocktail lounges. Referred to Ways and Means.

HB 867, authorizing cities of more than eighty thousand population to appoint a director of human services. Referred to Public Health, Welfare and State Institutions.

HB 859, legalizing the annual town meeting of the town of Wolfeboro. Referred to Executive Departments, Municipal and County Governments.

HB 908, relative to the authority of the Kearsarge lighting precinct. Referred to Public Works and Transportation.

HB 874, relative to procedure for towns, cities, or counties to adopt fiscal year accounting and incurring debt during transition period. Referred to Executive Departments, Municipal and County Governments.

HB 909, authorizing a special town meeting of the town of Pittsfield with the authority of an annual town meeting. Referred to Executive Departments.

HB 917, relative to the revision of city charters. Referred to Executive Departments.

HB 958, relative to the powers of executive committees of the county. Referred to Executive Departments.

HB 959, relative to investment of funds by treasurers of municipalities, counties and school districts. Referred to Executive Departments.

HB 979, establishing the Portsmouth Union School District and giving such district independent fiscal and appropriating powers. Referred to Education.

HB 875, relative to the salaries of the Somersworth city council. Referred to Executive Departments.

HB 940, redistricting the city of Somersworth. Referred to Executive Departments.

HB 799, establishing a committee to study the financing of New Hampshire airports. Referred to Recreation and Development.

HB 711, relative to the location of the proposed Cheshire county courthouse. Referred to Judiciary and Executive Departments.

HB 38, relative to the New Hampshire American Revolution Bicentennial Commission. Referred to Finance.

HB 66, establishing a flat rate registration fee for all passenger motor vehicles except trucks and providing for a monthly proration of the fee. Referred to Public Works and Transportation.

HB 68, relative to weights and measures standards. Referred to Ways and Means.

HB 120, relative to the maintenance of a certain section of highway in the city of Lebanon. Referred to Public Works and Transportation.

HB 208, relative to classification of highways, highway aid apportionment and highway regulation. Referred to Public Works and Transportation.

HB 248, relative to the construction or reconstruction of a bridge in the town of Jefferson. Referred to Public Works and Transportation.

HB 254, specifying certain deductions which must be allowed proprietorships and partnerships in calculating the business profits tax. Referred to Ways and Means.

HB 299, to designate certain highways as bicycle trails and making an appropriation therefor. Referred to Recreation and Development.

HB 307, providing for the preservation of open space land by assessment at valuations based upon the current use thereof and by permitting discretionary easements of development rights; creating a current use advisory board and making an appropriation therefor. Referred to Resources and Environmental Control.

HB 455, establishing a committee to study and report on the goals, purposes, organization and financing of the state university system and making an appropriation therefor. Referred to Education.

HB 483, to provide for republishing or recompiling volume 3-A of Revised Statutes Annotated and making an appropriation therefor. Referred to Judiciary.

HB 484, to provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor. Referred to Judiciary.

HB 520, to provide for the bonding of state officials and employees; and making an appropriation therefor. Referred to Executive Departments.

HB 527, to provide for replacement volumes 5, 5-A and 6 for Revised Statutes Annotated and to provide a complete set of Revised Statutes Annotated for each standing committee of the house and senate and making an appropriation therefor. Referred to Judiciary.

HB 632, relative to investment of retirement funds. Referred to Finance.

HB 751, providing for the exemption and withdrawal of town and city managers from compulsory membership in the state retirement system. Referred to Executive Departments.

HB 781, relative to embalmers, morticians and funeral directors. Referred to Ways and Means.

HB 810, establishing a legislative facilities committee; and making an appropriation therefor. Referred to Finance.

HB 33, requiring meat slaughterhouses and processing plants to pay the cost of inspections conducted outside of regular business hours. Referred to Public Health, Welfare and State Institutions.

HJR 4, providing an appropriation for Old Fort Number Four. Referred to Finance.

HCR 20, relative to including Sandwich Notch in the White Mountain National Forest. Referred to Rules and Resolutions.

HCR 18, memorializing congress on the devastating effect on the state of New Hampshire of U. S. Public Law No. 92-603,



relating to Title 19 of the Social Services Act. Referred to Rules and Resolutions.

HB 609, relative to revision of existing statutes imposing only fines above one hundred dollars which constitute misdemeanors for natural and any other persons, and above two hundred dollars constitutes a felony for any other persons under the provisions of the criminal code. Referred to Judiciary.

### ENROLLED BILLS REPORT

HB 222, requiring druggist to post a list of prescription drug prices.

HB 335, to provide for designate alternate members to serve in absence of the regular members of the New England Interstate Water Pollution Control Commission.

HB 359, relative to the limitations on the loaning authority of cooperative banks, building and loan associations, and savings and loan associations.

HB 363, relative to persons qualified to vote.

HB 598, relative to misuse of special circumstance welfare grants.

HB 627, to provide for a county hospital administrator in place of one member-at-large not a member of the medical profession.

HB 713, permitting certain employees to contribute toward the purchase of group life insurance.

HB 743, relative to the dispensing of controlled drugs.

HB 749, relative to the compensation of town clerks.

HB 750, relative to the compensation of collectors of taxes.

SB 133, making a supplemental appropriation to the New Hampshire racing commission for harness racing.

SB 147, broadening the purposes for which the capital appropriation of 1971 for dredging of Hampton Harbor may be expended.

HJR 25, relative to an appropriation for Murphy House at the Laconia state school and training center.

SJR 9, making an appropriation for additional office space for water resources board and state tax commission.

SJR 10, making an appropriation for the leasing of Pillsbury St. Building.

HB 807, permitting the director of the division of motor vehicles to use a facsimile signature on any official document signed by his authority.

HB 819, relative to tires as defective equipment on motor vehicles.

HB 832, increasing the debt limit for the Merrimack school district.

SJR 20, providing for an additional appropriation for expenses of the legislature.

Sen. Provost  
*For The Committee*

**A LIST OF ALL SENATE BILLS IN THE HANDS  
OF THE SENATE CLERK UNDER JOINT RULE  
NO. 10 THURSDAY MAY 24, 1973**

**Banks, Insurance and Claims**

SB 204, regulating insurance rating organizations which establish rates for first party property damage insurance company policies and providing for a special property insurance fund by assessment. Referred to Banks and Insurance Study Committee.

SB 219, providing required primary coverage for motor vehicle insurance. Without recommendation.

SB 254, relating to temporary investment of excess reserves of savings banks in federal funds. Ought to pass.

SB 189, authorizing fiduciaries to deposit securities in a central or regional depository. Referred to Banks and Insurance Study Committee.

SJR 22, to reimburse Charles and Catherine Valenti for damage to their water supply. Ought to pass.

**Education**

SB 196, relative to collective bargaining rights of public employees. Ought to pass as amended.

SB 255, relative to payment by the state of the cost of educating children living in foster homes and making an appropriation therefor. Inexpedient to legislate.

SB 237, relative to food programs operated for benefit of elderly on school property. Ought to pass.

SB 207, amending the New England higher education compact. Ought to pass.

SB 250, to permit the Barrington school district to withdraw from the Rochester authorized regional enrollment plan. Ought to pass.

SB 248, authorizing the governor to enter into a contract with Schools of Dental Medicine to guarantee openings for qualified New Hampshire students and making an appropriation therefor. Ought to pass as amended.

SB 267, relative to dual enrollment and child benefit services. Without recommendation.

SB 196, relative to collective bargaining rights of public employees. Ought to pass with amendment.

SB 126, providing for the withdrawal of the town of Newmarket from supervisory union no. 14. Inexpedient to legislate.

### **Executive Departments, Municipal and County Governments**

SB 195, relative to merging the sewer and water commissions of the town of Sunapee. Without recommendation.

SB 143, amending the Rochester city charter to provide for a five member police commission, one member elected from each ward. Without recommendation.

SB 177, providing a method to amend city charters by a people's initiative petition. Without recommendation.

SB 187, clarifying the authority of county conventions to set salaries. Without recommendation.

SB 191, transferring certain state prison employees from Group I of the N. H. Retirement System to Group II, or from the Employee's Retirement System to Group II; and making an appropriation therefor. Without recommendation.

SB 205, relative to retention of legal residence in spite of private or institutional confinement. Without recommendation.

SB 208, legalizing the Marlow town meeting of March 6, 1973. Without recommendation.

SB 212, establishing a commission to study the state retirement systems and making an appropriation therefor. Without recommendation.

SB 239, relative to regulating Sunday activities in towns of over ten thousand. Without recommendation.

SB 244, to recognize the present fire service training program. Without recommendation.

SB 245, relative to the duties of the state treasurer and director of the division of accounts. Without recommendation.

SB 260, relative to terms of office of members of the commission on the status of women. Without recommendation.

SB 261, providing for the election of members to the county convention as a separate county office. Without recommendation.

SB 262, relative to an alternate form of county government. Without recommendation.

SB 34, relative to requiring certain foreign corporations to file a copy of their corporate charter and a copy of their record of organization with the secretary of state. Without recommendation.

SB 72, limiting bequests to town trustees for the care of individual burial lots; broadening the investment discretion of town trustees; and requiring that reasonable compensation be paid to trustees of charitable trusts. Without recommendation.

SB 81, establishing a commission on children and youth and making an appropriation therefor. Without recommendation.

SB 119, providing for a five year term of office for the commissioner of Employment Security. Without recommendation.

## Finance

SB 141, providing for continued expenditures at current levels in the event a subsequent budget is not enacted. Inexpedient to legislate.

SB 73, to establish a state liquor store in New London and making an appropriation therefor. Inexpedient to legislate.

SB 110, relative to service retirement benefits under the N. H. retirement system. Ought to pass with amendment.

### Judiciary

SB 265, relative to witness fees for law enforcement officials. Without recommendation.

SB 268, conforming civil actions commenced by attachment and/or trustee process to constitutional due process limitations. Without recommendation.

SB 131, relative to a mandatory penalty for illegal sales of narcotics for profit. Without recommendation.

SB 220, to expand the scope of summary judgment proceedings. Without recommendation.

SB 226, relative to the sale or possession of certain quantities of heroin. Without recommendation.

SB 227, relative to the liability of personnel of the New Hampshire hospital. Without recommendation.

SB 230, relative to child support payments. Without recommendation.

SB 231, specifying procedures for termination of residential gas or electric services. Without recommendation.

SB 233, establishing a commission to recommend three candidates for all judicial appointments. Without recommendation.

SB 236, providing due process in the right of appeal for suspended state employees. Without recommendation.

SB 247, relative to the civil action of replevin. Without recommendation.

SB 251, requiring bicycle riders to obey the rules of the road. Without recommendation.

SB 252, providing for a reduction in the costs of administration of the Manchester district court. Without recommendation.



SB 75, adopting the uniform management of institutional funds act. Without recommendation: Awaiting Supreme Court decision.

SB 83, relative to establishing a study committee to determine feasibility of having domestic relations matters heard before the probate courts. Without recommendation.

SB 21, relative to imposing some limitation on the doctrine of sovereign immunity. Ought to pass with amendment.

### **Public Health, Welfare and State Institutions**

SB 216, providing guidelines for standards relative to aid for town and county paupers. Ought to pass.

SB 217, relative to the establishment of health service organizations. Ought to pass.

SB 253, increasing the membership on the Ambulance Service Coordinating Board. Ought to pass.

SB 259, to repeal statutes providing emergency medical transportation services. Ought to pass.

### **Public Works and Transportation**

SB 121, relative to the transportation of gasoline and fuel oil.

SB 167, providing for special motor vehicle license plates for justices.

SB 194, permitting control of outdoor advertising on class IV and V highways.

SB 198, relative to the licensing of alarm installers.

SB 209, relative to free parking in municipal parking areas.

SB 210, to allow for an annual rate for municipal parking areas.

SB 238, changing the name of the Berlin Wayside Area in the capital appropriations of 1971.

SB 263, requiring quality service from public utilities.

SB 264, relative to the penalty for vehicles exceeding gross weight and modifying the legal width of motor vehicles.

All of above to be reported Without Recommendation.

SB 266, to approve a road in Merrimack under RSA 162-A:6-b at private expense. Bill to be reported as Without Recommendation.

SB 114, providing for a snow-making system for Mount Sunapee State Park, and making an appropriation therefor.

Bill to be referred to the STUDY COMMITTEE of the Public Works and Transportation Committee.

SB 192, relative to licensing all roadside advertising devices. Without recommendation.

SB 193, revising the fees payable for application for permit or renewals to erect or maintain advertising devices. Without recommendation.

SB 199, providing for the removal of outdoor advertising from those areas presently zoned commercial and industrial. Without recommendation.

### **Recreation and Development**

SB 211, relative to the sale of fresh water smelt caught outside the state for human consumption within the state. Ought to pass.

SB 232, prohibiting the use of certain motorboats on Great Pond in Kingston. Inexpedient to legislate.

SB 172, relative to marine fisheries. Ought to pass.

SB 221, to increase resident fishing and hunting license fees and non-resident fishing license fees. Ought to pass as amended.

SB 246, allowing persons sixty-five years of age and over a fifteen hundred dollar exemption from the interest and dividends tax. Without recommendation.

SB 157, to increase the membership of the port authority by one member who shall be a commercial fisherman. Ought to pass with amendment.

SB 150, relative to importing and releasing wild life. Ought to pass with amendment.

SB 29, to authorize the director of fish and game to open hunting and fishing seasons to residents other than during the regular season. Ought to pass.

### **Resources and Environmental Control**

SB 170, increasing the number of members of the Boundary Commission, including a commercial fisherman, and providing for a study of both the Maine and the Massachusetts boundaries with New Hampshire. Without recommendation.

SB 47, providing for the implementation of flood hazard area management in N. H.; and making an appropriation therefor. Inexpedient to legislate.

SB 176, relative to the use of the word organic and the certification of organic farm produce. Ought to pass.

### **Ways and Means and Administrative Affairs**

SB 223, increasing the exemption for real property taxes for the blind. Without recommendation.

SB 241, permitting the sale of alcoholic beverages in certain curling clubs. Without recommendation.

SB 242, providing that a felon convicted of robbery or arson may obtain an alcoholic beverage license. Without recommendation.

SB 243, relative to minimum standards and other requirements for employee welfare, pensions, and profit sharing retirement funds. Without recommendation.

SB 256, extending the application period for licensed public accountants. Without recommendation.

SB 257, relative to regulation of refrigeration technicians. Without recommendation.

SB 148, relative to permits for the sale of alcoholic beverages. Without recommendation.

SB 183, establishing a limit on the issuance of greyhound racing licenses to within forty miles of existing greyhound tracks. Without recommendation.

SB 184, establishing qualification standards for the licens-

ing of individuals doing electrical installations. Without recommendation.

SB 201, enabling the Unitarian-Universalist Church of Portsmouth, New Hampshire and Pierce Memorial Universalist-Unitarian Church of Dover, New Hampshire to consolidate into one corporation named Unitarian-Universalist Church of Portsmouth, New Hampshire. Without recommendation.

SB 92, providing total property tax exemption for all totally disabled veterans of any branch of the armed forces. Without recommendation.

SB 218, relative to non-resident auctioneer licenses. Without recommendation.

SB 174, relative to the declared date of the end of the Korean Conflict. Bill to be referred to interim study committee of Ways and Means and Administrative Affairs committee.

SB 179, abolishing the restriction prohibiting state liquor stores from operating within close proximity to schools, churches and parish houses. Ought to pass.

### Interstate Cooperation

SB 181, relative to participation in a New England power pool. Ought to pass with amendment.

Introduction of Mildred Horton, Chairman of the U.N.H. Board of Trustees.

Sen. JACOBSON: It's always been a real concern to me and I noticed you failed to mention garbage collectors, highway patrolmen, carpenters, ditch diggers, and a whole range of people. If they are to have universalized education on the university level as we now take it on a high school level what do you see as the benefits or is there a failure with respect to elementary and high school education in providing the essential characteristics of citizenship and general understanding of the problems of life?

TRUSTEE HORTON: I think that I would reply to that by saying that there are many people in these manual areas which have not called for higher training or skills, who may yet have minds, which for any one of any economic reasons have had no inspiration to go on until it is too late. I can think of one young woman in the North Country who is happily married and

has children but who said the other day that I loved to read in high school and I would love to take a course in English literature. But the point is that there is a whole range of learning available for people.

THE NEW HAMPSHIRE WATER  
RESOURCES BOARD, 1935-1973

Board Members — George M. McGee, Sr., Chairman

J. Willcox Brown

Salvatore P. Grasso

Michael Savchick

Harlan Logan

The State of New Hampshire was relatively early in recognizing the need for conservation and management of its water resources. In 1935, the Legislature by "an act to establish the Water Resources Board", RSA 481, created an agency in the form of a public corporation for dealing with this need. Its primary charge to the newly created Board was to plan and construct projects — dams and impoundments — for the conservation, development, storage, distribution and utilization of water. In actuality the language of the act was broad enough to inject the Water Resources Board into virtually all the areas of water usage in which it functions today.

During the period 1935 to 1941, the Board studied many potential projects while completing construction of the Pittsburg (Murphy) Dam creating the present day Lake Francis and other water conservation and control projects. During construction the Water Resources Board functioned on a sizeable scale with an office force of twelve, including three draftsmen and an accountant, in addition to a construction supervisory force of approximately forty men. The completion of the Pittsburg project coincided closely with the beginning of World War II and its manpower demands. As a result the staff was abruptly reduced from twelve to one draftsman, a secretary and a dam operator on the site at Pittsburg. It remained at this level during the war. After the war, the staff was brought up to a total of six with the inclusion of two engineers and an accountant. Since that time there have been sporadic additions to the paid staff but it is worth noting that, in spite of the assumption of a multiplicity of new duties and obligations by the



Board, its office staff has yet to attain the numerical size it had in 1941.

During the period the Pittsburg project was underway, the legislature created a new water management agency, the N. H. Water Control Commission. Prior to 1937 the management, inspection and control of all private dams in the State has been vested in the Public Service Commission. Under N. H. Laws 1937, Chapter 133, all functions and records of this body were transferred to the Water Control Commission. Since the new Commission was composed of the Chairman and Directors of the Water Resources Board and utilized the selfsame staff, the net effect was simply to transfer control of private, as well as public, dams and impoundments to the Water Resources Board. In 1950 the Water Control Commission was abolished and records and functions legally assigned to the Water Resources Board.

In 1955 the Board was assigned a major responsibility when, under RSA 482:41, it was charged with processing all applications to fill in public waters. In 1967 the responsibility was expanded to include dredging in public waters and filling in public owned waters. The significance of these assignments, which, under impetus of recreational development have today virtually overwhelmed the Board with an avalanche of petitions, was not immediately apparent. In 1955 and for the next five years the Board continued to function with a staff of no more than six persons.

In 1958, the Board assumed ownership from the Public Service Company of New Hampshire of the Winnepesaukee flowage rights and dam and added to its staff a part-time dam control operator whose duties kept him solely concerned with the installation at the Lakeport Project.

In 1961 probably the most significant addition of all was made to the responsibilities of the Water Resources Board. Under Public Law 566, the small watershed flood control program, the Board as cooperating agency, for the State with the Soil Conservation Service became the sponsor for all Soil Conservation Service dam construction projects. In this capacity it reviews all SCS planning and engineering, acquires the land through negotiation or condemnation, awards and administers construction contracts, handles the accounting, inspects the construction progress and finally takes over ownership, operation and maintenance of the completed dams.

What has happened to this particular program since 1961 is perhaps worth examining as symptomatic of what is happening generally in the Water Resources Board's areas of responsibility. Since 1961 the SCS small watershed program has gradually increased until today, in addition to nineteen completed structures and one project currently underway, there are eleven authorized projects at various stages of planning and development in five watersheds with eleven additional watershed programs in the study stage. The majority of these are multiple-use dam projects and the Water Resources Board is involved in every one of them. Currently this program alone is consuming between 30% and 35% of the Board's staff time. In 1961, the office staff, exclusive of dam operators, numbered seven persons: the chairman, a chief engineer, three civil engineers and two secretaries. In 1973, struggling to cope with the responsibilities of a program non-existent in 1961 but now consuming over 30% of its time, the Board has been increased by exactly one person (a real estate project agent to aid in Public Law 566 projects) to supplement this program.

The situation is apparently the same in other areas. In 1950 the Board had five State-owned dams to operate and maintain. In 1973, it has 99 dams including those on New Hampshire's most important recreational water bodies. As the SCS program gathers speed and as more outmoded industrial power dam installations are abandoned, it is anticipated that the next four or five years could see a 33% increase to well over 130 dams as the importance of saving New Hampshire's existing lakes and ponds becomes more apparent. The operating staff for these dams include the operators of the Pittsburg and Lakeport Projects, a treatment plant operator for the Greenville Water Supply Project (owned and operated by the Water Resources Board), and two dam control operators from the Concord office who operate and maintain 87 of the 90 dams. Private dams demanding inspection today number some twenty-six hundred. No reliable figure is available for 1950, but best estimate is that 2600 private dams represent about a 100% increase over that date.

In 1955, dredge and fill operations, like dam projects, were largely for commercial ends. In recent years, the explosive growth of water oriented recreation has stimulated this type of activity to almost intolerable limits so far as the Board is concerned. The past year alone has seen an increase in dredge

and fill petitions of well over 100%. A major engineering problem introduced by the wording of these statutes is the determination of the natural high water level on all of New Hampshire's great ponds. To date the Board has only been able to determine this for less than 5% of the 780 great ponds in the State. The Board's current backlog of petitions numbers several hundred, processing time log is six months to a year and the situation seems to be approaching the hopeless. To further complicate the problem, the Water Resources Board has been assigned jurisdiction of all the tidewater petitions that were heretofore processed by the Port Authority Board. The inability of the Board to give timely attention to dredge and fill petitions is fostering illegal operations, a disregard for the law and a spate of complaints.

Beginning with fiscal year 1973, Water Resources Board has had a construction crew to rebuild and repair dams. The crew of four men has rebuilt Silver Lake dam in Harrisville, installed a stoplog section for more adequate control at Northwood Lake Dam, rebuilt North River Pond dam with a fish ladder and has worked at several other dams. Formerly N. H. Fish and Game Department construction crew rebuilt dams for this Board but they found that their Department needed the crew for the full time. This construction crew is very important in rebuilding dams which the State picks up from various private sources as well as maintenance of the many State-owned dams.

In addition to these major activities the Board carries on a considerable number of continuing programs of smaller scale, for example: cooperating with Federal agencies on flood control, flood plain zoning, stream flow gauging, ground water studies, snow measurements, etc.; surveying and overseeing water and flowage levels under private control; receiving complaints on any and all water related problems; holding hearings; serving on interstate and river basin commissions; assisting towns and other state departments with water resource problems; and so forth. In response to a growing population and burgeoning economy the tendency has been for all these responsibilities to increase. The result is that there today exists a serious imbalance between the responsibilities of the Water Resources Board and the physical capabilities of its staff. There are simply not enough persons to handle the workload. The in-

evitable consequence is that such areas as supervision of private dam construction and inspection of private dams are being neglected to the detriment of public safety. (The dam failure at Groveton in 1970 is an excellent example.) Maintenance of Water Resources Board dams is being effected to a considerable degree with Fish and Game Department construction personnel when available. The voluminous files of the Board set up by the WPA in 1937 have grown to such proportions and are so badly in need of updating that probably nothing short of electronic processing and storage can render them efficiently usable.

### A REVIEW OF THE WATER SUPPLY AND POLLUTION CONTROL COMMISSION'S PROGRAM

The Water Supply and Pollution Control Commission, or rather its predecessor agency, was established in the 1947 Session of the Legislature. Subsequently, it became affiliated with the Department of Health and Welfare for housekeeping purposes, but in 1965 was returned to separate agency status with certain related functions of the State Division of Public Health, in the field of sanitary engineering, being transferred to the Commission. Thus, the present responsibilities of the Commission include water pollution control, supervision of public water supply systems, bathing place sanitation, juvenile camps, aquatic nuisance control, administration of State and Federal aid for pollution control projects and operation of laboratories for the examination of water, waste, pesticides and other water-carried pollutants.

Presently, there are eighty-seven positions in the agency, five of which will require concurrence by the 1973 Session of the General Court in Governor and Council action authorizing them in 1972. The staff includes the following disciplines: sanitary and civil engineers, biologists, chemists, sanitarians, technicians; in addition to administrative, secretarial, clerical and accounting personnel.

The State budget for program operations in 1973 amounted to approximately \$1,040,000. In addition to this sum should be added the Federal contribution of \$151,000 for "program expansion", making a total of \$1,191,000 available for staff activities. State funds for grant assistance to municipalities were in the order of \$3.5 million. The amounts actually assigned to the



foregoing purposes will exceed the sums indicated by reason of non-lapsing State grant appropriations and balances forward of Federal funds.

Returning to the earlier enumerated Commission duties, it is important to note that there are 134 public water supply systems serving a total population of 525,000 people. About 45% of these plants consist of groundwater supplies, however, 400,000 or about 80% of the total population served is by means of surface supplies. For the most part, surface water systems have only chlorination treatment, but the time has arrived when more radical purification by means of filtration and coagulation is upon us. Thus the Commission has adopted a policy whereby all surface water sources will be protected by filtration plants beginning with larger communities such as Manchester, Nashua, Concord, etc. This program will involve a considerable amount of time, however, because of the magnitude of the undertaking.

With few exceptions, local water supply officials rely entirely upon the Commission for engineering guidance and advice on water supply problems. An active laboratory testing program is maintained and field inspections are routinely made to evaluate control and protection aspects of water quality in such systems. The number of individual tests performed annually is in the order of 85,000. This would include not only samples from public water supplies but also from many privately-owned wells, springs, etc., utilized in the rural areas of the State.

The growth trend in all phases of New Hampshire's development will require a much more aggressive water supply control program than can now be offered by the agency. For example, communities in the southern section of the State are presently severely handicapped because of the lack or absence of the adequate public water supply facilities and the point has long since been reached when regional water systems should be developed to serve groups of communities now either without public water systems or served by sources which are overtaxed. RSA 148-A authorizes the Commission to make such investigations but this program has never been adequately funded.

In 1956 when the Federal Government first offered aid to municipalities for construction of pollution control projects, we had only 8 disposal systems with a rated value of \$2 million.



In New Hampshire today there are 51 disposal plants valued in excess of \$80 million for the abatement of pollution in our lakes and streams. New Hampshire's aid program began in 1959 at a 20% contribution level but now provides for a 40% grant [principal and interest]. Consequently, New Hampshire municipalities enjoy the greatest level of Federal and State participation of all the states in the nation. The residual local contribution for eligible construction has now been reduced to 5%. Municipalities are responsible, however, for 100% of the cost for lateral sewer construction except for whatever assistance may be forthcoming from certain Federal agencies such as HUD, FHA and EDA.

The Federal Water Quality Act of 1972 was passed on October 18, 1972. The Act provided for 5 billion dollars in 1973, 6 billion in 1974 and 7 billion in 1975 for pollution abatement work. However, the Office of Management and Budget has been instructed to release less than half this amount for the first two fiscal years, [2 billion in 1973 and 3 billion in 1974]. The Federal share is now 75%, and New Hampshire's allocation for the two years is 16.6 million dollars in 1973, and 24.9 million in 1974. New Hampshire's eligibility formula is geared to the Federal statute, hence the State contribution will be similarly affected. Obviously, the level of State participation would be reduced from 40% to 20% under these circumstances with the towns still paying the remaining 5%.

Efforts are now being made by the Commission to assure quality construction of State aided projects. RSA 149:4, IX (supp) specifically states that the Commission "... shall perform such other related engineering or *inspectional* work as will provide for proper design, construction and operation of the facilities involved, and take such other action as ... will produce maximum benefits with the least expenditure of federal, state and local funds." In accordance with this duty a modest inspectional program has been carried on for the last 3 or 4 years and the results to date have been most gratifying. The Commission staff also negotiates all engineering contracts relating to pollution abatement programs and thereby has produced significant economies in engineering costs associated with such projects.

It can be reliably reported that a full-scale State inspection program [such as exists for highway work] could bring about

savings in the range of \$800,000 or more per year and we believe this system should be instituted without delay. There are other current weaknesses which could be pointed out such as those which exist in connection with supervision of treatment plant operations, monitoring of streams and lakes, as well as in the area of aquatic nuisance control which has been supported only by token funds up to this time.

The Commission staff has grown in numbers since 1959, but this growth has not kept pace with the federally expanded program referred to earlier and which is now imminent. The new Federal legislation is now providing \$16.6 million for 1973 and \$24.9 million for 1974, a total of \$41.5 for two years. Comparing this with the \$6.3 million allocated to New Hampshire in 1972, it becomes self-evident that the Commission staff will have to be greatly enlarged if it is to do an effective job in administering a program of this magnitude. The relatively few dollars percentage-wise, devoted to administrative controls is certainly a worthwhile investment in order to protect the many millions of dollars which has and will be invested in collection and treatment facilities.

The remaining areas of concern which should be beefed up are control of bathing places and swimming pools, supervision of the daily operation of water treatment plants and expansion of personnel for our laboratories. Earlier, it was mentioned that the water testing section handles about 85,000 tests per year. The waste water section completes about 25,000 tests annually, many of which are very complex in nature. With realistic monitoring and lake survey programs, in effect, demands on both branches will be naturally increased and we should be in a position to cope with the additional workload.

Finally, with regard to legislation contemplated at this time, it should be said that only minor "housekeeping" measures, along with clarification of the State aid statute, are being requested by the Commission.

Among the items involved is authority for the Commission's Pesticides Surveillance Scientist to represent the Executive Director at meetings of the Pesticides Board; clarification of the State aid law relative to interest charges being a portion of the amortization payments for pollution control projects; amend prefinancing statute so as to earmark Federal reimbursement

funds for repayment of State debts incurred for such purposes; and provision for the Commission to establish standards for pre-treatment of industrial wastes discharged to municipal sewer systems. Lastly, depending on need, it may be desirable to increase the State guarantee capacity on bonds and notes issued by municipalities in the interest of pollution control. Despite the foregoing, a number of other legislative proposals have been introduced requiring action by the Commission. Among measures thus under consideration are reclassification of the Black River watershed; additional financing for the Winnepesaukee River Basin Control Programs; reclassification of Nubanusit Brook and revision of the State Plumbing Code Law.

### COMMITTEE REPORTS

#### SB 189

authorizing fiduciaries to deposit securities in a central or regional depository. Referred to Banks and Insurance Study Committee. Sen. Ferdinando for the Committee.

Sen. Ferdinando moved that the words ought to pass be substituted in place of the committee report referred to Banks Insurance and Claims Interim Study Committee.

Sen. POULSEN: Mr. President, this bill allows fiduciaries in banks to deposit securities in depositories so they can be transferred without the actual instrument being transferred. This is a bookkeeping procedure that saves a lot of mailing.

Sen. FERDINANDO: Mr. President, SB 189 was voted on in the committee as ought to pass.

Adopted.      Ordered to third reading.

#### SB 204

regulating insurance rating organizations which establish rates for first party property damage insurance company policies and providing for a special property insurance fund by assessment. Referred to Banks and Insurance Study Committee. Sen. Ferdinando for the Committee.

Sen. FERDINANDO: Mr. President, SB 204, the committee felt that this was the better way to handle this particular bill. It was drafted at the late stages of the session so it makes a lot of sense for a bill as complex as this to go to committee for study.

Adopted.

**SB 254**

relating to temporary investment of excess reserves of savings banks in federal funds. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this bill does the same thing to savings banks as last week's bill did for cooperative banks and savings and loan associations. It allows them to use the federal concept of liquid money, in other words day by day interest on assets in reserve.

Adopted.      Ordered to third reading.

**SB 237**

relative to food program operated for benefit of elderly on school property. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, this is merely permissive legislation to allow the school districts to permit the use of school cafeterias to feed elderly citizens and those people over 60 years of age. The bill provides that in no way would this interrupt the school lunch program and also this could be a profit making thing for the school district if they so desire. This is to allow the school if they want to provide a place for senior citizens to eat.

Adopted.      Ordered to third reading.

**RECESS****OUT OF RECESS****SB 255**

relative to payment by the state of the cost of educating children living in foster homes and making an appropriation therefor. Inexpedient to legislate. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, the committee on Education brought in an inexpedient to legislate verdict on SB 255, which is an act relative to payment of the state cost of educating children living in foster homes and making appropriations therefor. The committee felt concerned for the problem that Sen. Jacobson had attempted to resolve in this bill; not making towns liable or responsible for the cost of children in foster homes.



Sen. Jacobson moved that the words ought to pass be substituted for the words inexpedient to legislate.

Sen. JACOBSON: Mr. President, I recognize that there is a considerable amount of money that is involved in this, however, there is an overriding consideration and that consideration is that provision of homes for foster children and what has developed is that increasingly, people who want to open their doors to foster children are faced with a problem that this does increase the community cost. The towns from which these children come does not pay for it. The burden falls on the town in which the child comes. I don't think anyone can quarrel with that philosophy.

Sen. S. SMITH: Mr. President, I rise in opposition to that motion. Again, I reiterate, I think that Sen. Jacobson's concern here is valid, however I do think that the burdens of this program should be at the present time absorbed by those communities where foster children live.

Motion lost.

Adopted.

### **SB 207**

amending the New England higher education compact. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this bill increases New Hampshire's members on the New England Higher Education Compact from three to eight members. All of the other states each have eight members and New Hampshire is the only state with three. It was felt that New Hampshire would have better representation on this committee with eight members because of the structuring of some of the committees.

Adopted.      Ordered to third reading.

### **SB 250**

to permit the Barrington school district to withdraw from the Rochester authorized regional enrollment plan. Ought to pass. Sen. Green for the Committee.

Sen. GREEN: Mr. President, this bill is permissive legislation to allow the town of Barrington to withdraw from the area school contract with the City of Rochester. Both communities



have agreed to this legislation and the details by which it will be dealt with are in the bill.

Adopted.      Ordered to third reading.

## RECESS

### OUT OF RECESS

#### **SB 141**

providing for continued expenditures at current levels in the event a subsequent budget is not enacted. Inexpedient to legislate. Sen. Brown for the Committee.

Sen. Provost moved that SB 141 be made a special order of business for Thursday next at 1:02.

Sen. PROVOST: Mr. President, the reason why I am asking for a special order is that being a member of Finance there are still more questions I would like to research before this bill is presented.

Adopted.

#### **SB 73**

to establish a state liquor store in New London and making an appropriation therefor. Inexpedient to legislate. Sen. Sanborn for the Committee.

Sen. PRESTON: Mr. President, the House is doing the same thing to all the liquor bills; finding them inexpedient to legislate at this time. However, the House has in HB 888 three liquor stores. The State Liquor Commission is recommending seven and I have an idea that we may have five.

Adopted.

#### **SB 110**

relative to service retirement benefits under the New Hampshire Retirement System. Ought to pass with amendment. Sen. Green for the Committee.

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Revising Verbiage in Service Retirement Benefits. Amend

RSA 100-A:5, I, (a) (supp) as inserted by 1967, 134:1, as amended, by striking out said subparagraph and inserting in place thereof the following:

(a) Any group I member may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time, not less than thirty days nor more than ninety days subsequent to the filing thereof, he desires to be retired, provided the member at the time so specified for his retirement has attained age sixty and notwithstanding that during such period of notification he may have separated from service. Any group I member in service as an employee who attains age seventy, except an elected or appointed official of the state, shall be retired forthwith or on the first day of the next following month. Any teacher member in group I who attains age sixty-five shall be retired at the end of the then ensuing school year, unless said member shall request an extension of service. For purposes of this section, a teacher member of group I who remains in service throughout a school year shall be deemed to be in service during July and August at the end of such school year. Extensions of service in the case of teachers shall be requested of the state board of education on the recommendation of the superintendent of schools. The extensions shall be granted on a year-to-year basis, and in no event beyond the member's attainment of age seventy or the school year in which he shall have attained age seventy.

2 Notices to Members of System. Amend RSA 100-A:14 by inserting after paragraph X the following new paragraph:

XI. The board of trustees shall annually notify each active member of the amount of his earnable compensation, contributions deducted, and interest credited on his contributions during the previous fiscal year; the total of his member annuity savings fund; his date of birth; his accrued service credits; and such other information as the board of trustees believe will inform the member of his status in the system. The notice shall be prepared prior to the end of each calendar year based on information through June 30 of such year. The first notice shall be due by December 31, 1974.

3 Formers Members Who Are Reinstated. Amend RSA 100-A:3, as inserted by 1967, 134:1, as amended, by inserting after paragraph V the following new paragraph:

VI. If a member ceases to be a member and withdraws his accumulated contributions, and later again becomes a member and wishes to receive prior service credit for the previous time served as a member, or if a member wishes to receive credit for the period which he was employed in a temporary capacity previous to becoming a member he may petition the board of trustees to obtain an actuary's statement indicating the costs providing he agrees to pay for the statement, and upon payment of the amount determined by the actuary, and with the approval of the board, he shall receive credit for his previous service, or the period served in a temporary capacity.

4 Effective Date. This act shall take effect sixty days after its passage.

Sen. GREEN: Mr. President, members of the Senate, SB 110 is a bill relative to the service retirement benefits of the New Hampshire Retirement System and as amended it deals basically with three things. It clarifies the definition of in-service in reference to people and the retirement in the past there apparently has been a slight problem with teachers leaving the system in June and not notifying the retirement people in July and August and there is a problem as to whether they are in-service or not. And this makes it clear that they are in-service until the end of the summer.

Amendment adopted.      Ordered to third reading.

Sen. Lamontagne moved that SB 269 be taken from the table at this time.

Sen. LAMONTAGNE: This bill is relative to the gross weight of motor vehicles of a tolerance of five percent on gross weight.

Sen. PRESTON: Are you speaking on just the policies that will be considered in the hearing or are you going to consider other things in another bill?

Sen. LAMONTAGNE: This is only on tolerance.

Sen. Lamontagne moved SB 269 after the deadline.

Division: 16 Yeas; 2 Nays.

Adopted.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 269, relative to gross weight of motor vehicles. Referred to the committee on Public Works and Transportation.

## COMMITTEE REPORTS CONTINUED

**SB 211**

relative to the sale of fresh water smelt caught outside the state for human consumption within the state. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this bill was supported by Fish and Game. There was no opposition. It provides that they may sell within the state fresh water smelt for human consumption and smelts taken from outside the state must be clearly marked as to what source they were taken from.

Adopted.      Ordered to third reading.

**SB 232**

prohibiting the use of certain motorboats on Great Pond in Kingston. Inexpedient to legislate. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, SB 232 prohibits the use of certain motor boats on Great Pond in Kingston. Great Pond is 204 acres. The committee felt that to limit the horsepower of motorboats in such a big area would not be to the best interest of the property owners of that lake. The selectmen of the area were divided and Representative Sanborn from that area was on record as being uncommitted. So we ask that this be inexpedient to legislate.

Adopted.

**HB 671**

prohibiting the use of motorboats on Willard Pond in Antrim. Ought to pass with amendment. Sen. Blaisdell for the Committee.

## AMENDMENT

Amend RSA 468:9 as inserted by section 1 of the bill by

striking out said section and inserting in place thereof the following:

486:9 Willard Pond. On or after the effective date of this act, no person shall use or operate any boat equipped with a petroleum powered motor upon the waters of Willard Pond in Antrim. Whoever violates the provisions of this section shall be fined not more than fifty dollars.

Sen. BLAISDELL: Mr. President, HB 671 was introduced by Representative Milbank of Chester, District 10 and it prohibits the use of motorboats on Willard Pond in Antrim. The committee amended this bill to prohibit the use of fuel powered motorboats on Willard Pond which would allow the use of electric motors. The committee was unanimous that this ought to pass.

Amendment adopted.      Ordered to third reading.

#### **HB 447**

to define the terms "when accompanied" as used in the fish and game laws. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this merely defines a term in the RSA's of the Fish and Game of "when accompanied." It gives a clear definition for the reports of the law.

Adopted.      Ordered to third reading.

#### **HJR 15**

relative to fire and rescue services provided by the town of Allenstown at Bear Brook State Park. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, HJR 15 reimburses the town of Allenstown when the state called them into Bear Brook Park for fire, rescue and search, back in 1971. The amount is \$800.

Adopted.      Referred to Finance.

Sen. Brown moved that we dispense with referral to Senate Finance and order HJR 15 to third reading at this time.

Adopted.      Ordered to third reading.

#### **HB 286**

relative to the taking of clams from the ocean waters of New Hampshire. Ought to pass with amendment. Sen. Brown for the Committee.



## AMENDMENT

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Taking of Clams from Coastal Waters. Amend RSA 211 by inserting after section 62-c the following new section:

211:62-d Clams in Coastal Waters. No one other than an individual natural person who is a bona fide resident of the state, and who has obtained a three hundred dollar commercial clamming license, may at any time commercially harvest or take the following from ocean waters within the jurisdiction of the state, Black Clams (*Cyprina islandica*), Sea Clams (*Spisula solidissima*), and razor clams (*Ensis directus*). No such person authorized by this section to take such clams may take more than 500 bushels of unshucked clams daily.

2 Penalty for Prohibited Taking of Clams. Amend RSA 211 by inserting after section 64 the following new section:

211:64-a Penalty. Whoever violates the provisions of 211:62-d or any rule or regulation promulgated by the director as hereinbefore provided relative to clams or other offshore resources shall be fined not more than ten thousand dollars or imprisoned for not more than one year, or both; and all equipment used to carry out such violation shall be confiscated.

3 Effective Date. This act shall take effect upon its passage.

Sen. BROWN: Mr. President, HB 286 as you recall was brought to the floor in Hampton and the bill tries to preserve the clam beds off the coast of New Hampshire. We added an amendment, which takes out the words "two hundred mile limit" and put in "within the jurisdiction of the state" and put a limit on this of five hundred bushels per day.

Sen. BRADLEY: Senator, I want to make it clear that for the purposes of legislative intent here that this provision is not going to prevent a New Hampshire individual from incorporating and having his corporation own the boat on which he is fishing on, is it?

Sen. BROWN: No, Senator, it will not.

Amendment Adopted.      Ordered to third reading.

**SB 172**

relative to the marine fisheries. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, SB 172 is a bookkeeping bill as recommended by the auditors of the Fish and Game Department on the transfer of funds. This would make their bookkeeping easier.

Adopted.      Ordered to third reading.

**SB 221**

to increase resident fishing and hunting license fees and non-resident fishing license fees. Ought to pass with amendment. Sen. Blaisdell for the Committee.

**AMENDMENT**

Amend the section 5 to read as follows:

5 Effective Date. This act shall take effect upon passage of this bill.

Sen. BLAISDELL: Mr. President, SB 221 proposes to raise hunting and fishing licenses fees for residents and fishing licenses fees for non-residents. The purpose of the bill is to provide the Fish and Game Department with approximately \$470,000 annually. This money will allow them to retain key permanent personnel, continue a number of important programs and reduce the probability of losing over \$175,000 annually in federal revenue. The Fish and Game Fund from which the Department must obtain its budget revenue, is presently at its lowest level in recent history.

Amendment Adopted.      Ordered to third reading.

**HB 7**

providing that resident persons who have attained the age of 65 shall be admitted without charge to certain state recreational areas and allowed the use of facilities therein without charge. Ought to pass. Sen. Blaisdell for the Committee.

Sen. Blaisdell moved that HB 7 be recommitted to the committee on Recreation and Development.

Adopted.

**SB 157**

to increase the membership of the port authority by one member who shall be a commercial fisherman. Ought to pass with amendment.

**AMENDMENT**

Amend analysis of bill to read as follows:

This bill provides that the membership of the New Hampshire port authority shall be increased from seven to nine members and one member of the board shall be a commercial fisherman. The commissioner of the Department of Resources and Economic Development would become a full voting member of the Authority.

Sen. PRESTON: Mr. President, this bill provides that the membership of the New Hampshire Port Authority shall be increased by one member who shall be a commercial fisherman. Recognizing that the commercial fishing industry has long been overlooked we think that this state body should have someone to represent an industry that generates upward of one million dollars for our economy. This bill also makes the commissioner of the Department of Resources and Economic Development a voting member.

Sen. JOHNSON: How about the present members of the Port Authority, how do they feel about this?

Sen. PRESTON: The executive director of the Port Authority appeared in support of this.

Amendment adopted.      Ordered to third reading.

**SB 150**

relative to importing and releasing wild life. Ought to pass with amendment. Sen. Preston for the Committee.

**AMENDMENT**

Amend RSA 207:14-b, as inserted by section 2 of the bill, by striking out all after paragraph I of same and inserting in place thereof the following:

II. Birds from those species which are non-indigenous to the state of New Hampshire, not protected by the Federal Migratory Bird Treaty Act, are raised in captivity and not specifically ex-

cluded for disease protection by the New Hampshire department of agriculture, including the following: birds of paradise, mockingbirds, canaries, parrots, parakeets, macaws and myna birds.

III. Animals unless specifically excluded for disease protection by the New Hampshire department of agriculture including the following: gliding lemurs, opossums, monkeys, sloths, anteaters, armadillos, hamsters, white mice, dormice, guinea pigs, cavies, pocket mice, gerbils, chinchillas, nonpoisonous lizards, nonpoisonous turtles, nonpoisonous amphibians and nonpoisonous reptiles.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

Sen. PRESTON: This is sponsored by Sen. Green. This bill essentially removes the control of the Fish and Game to the Agriculture Department for the licensing that is necessary in the investigation of disease control.

Amendment adopted      Ordered to third reading.

### HB 53

prohibiting the use of motorboats on the Cocheco River within the city limit of Rochester. Ought to pass with amendment. Sen. Brown for the Committee.

### AMENDMENT

Amend RSA 486:15 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

486:15 Cocheco River. No person shall use or operate any motorboat or any boat equipped with an outboard motor, with a manufacturer's rated capacity in excess of seven and one-half horsepower, nor shall any person exceed a headway speed of ten miles per hour with any motorboat equipped with an outboard motor upon the waters of the Cocheco River within the city limits of Rochester. Whoever violates the provisions of this section shall be subject to the following penalty:

I. If the offense occurs prior to November 1, 1973, he shall be fined not more than fifty dollars;

II. If the offense occurs on or after November 1, 1973, he shall be guilty of a violation.

Sen. BROWN: Mr. President, HB 53 prohibits the use of motorboats on the Cocheco River within the city limits of Rochester. It was agreed by all parties that they create an agreed amendment which they did and they limit this to  $7\frac{1}{2}$  horsepower and no greater speed than 10 miles per hour.

Sen. JOHNSON: How are you going to check this?

Sen. BROWN: I'll leave that to the authorities.

Amendment adopted.      Ordered to third reading.

#### **SB 47**

providing for the implementation of flood hazard area management in N. H.; and making an appropriation therefor. Inexpedient to legislate. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, this bill, introduced by Sens. Foley and Poulsen and myself, we feel is covered by other legislation. So we feel that this is inexpedient to legislate.

Adopted.

#### **HB 602**

relative to changing the name of Ivanhoe Pond in the town of Wakefield to Lake Ivanhoe. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, again this bill had people from the area appear in its support and there was no opposition. The committee recommends its passage.

Sen. JACOBSON: Has the size of this pond increased in the last two years?

Sen. PORTER: No, it has stayed the same.

Adopted.      Ordered to third reading.

#### **SB 176**

relative to the use of the word organic and the certification of organic farm produce. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this is a truth in labeling bill whose purpose is to insure the people that this produce has



been grown organically in New Hampshire. The statutes will prohibit the use of the term "organically grown" unless in fact the food has been grown in New Hampshire without the application of artificial substance.

Sen. JOHNSON: Isn't potash natural?

Sen. BRADLEY: Yes, I think you could use it.

Adopted.      Ordered to third reading.

**SB 174**

relative to the declared date of the end of the Korean Conflict. Be referred to interim study committee of Senate Ways and Means and Administrative Affairs committee. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, SB 174 addresses itself to an area where a problem exists. It seems that the New Hampshire statutes have the Korean Conflict ending in 1953 and the federal statute has it ending in 1955. We feel some adjustment should be made and we recommend further study.

Adopted.

**SB 179**

abolishing the restriction prohibiting state liquor stores from operating within close proximity to schools, churches and parish houses. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, this bill is sponsored by Sen. Provost and all it does is restrict the selling of alcoholic beverages within close proximity to schools, churches and parish houses.

Adopted.      Ordered to third reading.

**SJR 22**

to reimburse Charles and Catherine Valenti for damage to their water supply. Ought to pass. Sen. Ferdinando for the Committee.

RECESS

OUT OF RECESS

Sen. Poulsen moved the caption indefinite postponement be substituted for the words ought to pass.

Sen. POULSEN: Mr. President, I've talked to the Highway Department about this particular case and this was an instance where the state had a large salt pile quite a distance from the Valenti house and there was a brook that crossed between the salt pile and house. The state when it had the complaint of salt in the well checked the well and found it didn't have any salt but the brook had none. They immediately moved the salt pile and in the essence of trying to do the right thing they suggested that they would pay half of the cost of the construction of a new well if the town would. The town seemed to go along with this until Rep. Bednar decided that the better procedure was to have the state pay for the whole thing. I'm opposed to this and urge you to vote against it.

Sen. CLAVEAU: I rise in opposition to the pending motion. I think it would be most unfair to move this bill to be inexpedient to legislate. I think Sen. Poulsen has misunderstood the situation. The Valentis are about 600 feet downhill from the state salt pile and have an artesian well 85 feet deep and it has been polluted to such an extent that they cannot use it. The state admits that it's their responsibility and that it wouldn't do any good to drill another well because the surrounding areas are polluted as well. And there are about five or six more properties involved as well.

Sen. BOSSIE: Sen. Poulsen, as you know there was no hearing on this in terms of the claims committee. Would you be favorable to what we did in a prior bill with regards to Michael Savchick to refer this to Finance and have a hearing on the matter?

Sen. POULSEN: I am not in favor of that because there was no hearing as far as I know in the Savchick case.

Sen. BLAISDELL: Sen. Claveau, you said that there were five or six other claims along with this claim?

Sen. CLAVEAU: The settling of this bill would correct the situation for all of them.

Sen. POULSEN: Sen. Claveau, why was there no public hearing on this?

Sen. CLAVEAU: Because the bill was presented to us so late in the session.

Sen. Johnson moved that SJR 22 be recommitted back to the committee on Banks, Insurance and Claims.

Sen. CLAVEAU: I have no objection to sending this bill back to the committee on Insurance and Claims but I think that we are wasting time on a very important matter and I oppose this motion.

### PARLIAMENTARY INQUIRY

Sen. JACOBSON: Is it the intention that both the validity and the financing will be handled by the Finance committee?

The CHAIR: Normal procedure will be followed, and the Finance committee will consider both.

Sen. BROWN: Has the special services of Public Works and Highways who handle the pollution spoken on this?

Sen. CLAVEAU: They admit that they are responsible and they also admit that digging another well would not solve the problem.

Motion lost.

Sen. Green moved that SJR 22 be vacated from Banks, Insurance and Claims and referred to Finance.

Adopted.      Referred to Finance.

### SB 201

enabling the Unitarian-Universalist Church of Portsmouth, New Hampshire and Pierce Memorial Universalist-Unitarian Church of Dover, New Hampshire to consolidate into one corporation named Unitarian-Universalist Church of Portsmouth, New Hampshire. Without recommendation. Sen. Downing for the Committee.

Sen. Downing moved that the words ought to pass be substituted for the words without recommendation.

Sen. DOWNING: Mr. President, this bill merely enables two churches to merge. Everyone is in favor of it and it is sponsored by Sen. Johnson.

Adopted.      Ordered to third reading.

### SB 242

providing that a felon convicted of robbery or arson may

obtain an alcoholic beverage license. Without recommendation. Sen. Downing for the Committee.

Sen. Downing moved that the words inexpedient to legislate be substituted for the words without recommendation.

Sen. DOWNING: Mr. President, this bill was sponsored by Sen. Roger Smith at the request of a constituent, who having been convicted of a felony was desiring to have a business venture with the sale of liquor being permitted. At the hearing the liquor commission was definitely opposed to it and the constituent who requested the bill wouldn't qualify anyway and he had a more recent conviction.

Adopted.

### SUSPENSION OF RULES

Sen. BLAISDELL: I move that the rules of the Senate be so far suspended as to allow introduction of a committee report without previous notice in the Journal.

Adopted.

### SB 29

to authorize the director of fish and game to open hunting and fishing seasons to residents other than during the regular season. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, SB 29 was introduced by Sen. Downing. This act would authorize the Director of Fish and Game in his discretion to allow residents to hunt or fish other than during the open season for hunting and fishing.

Sen. GREEN: Does this mean that after the hunting season has closed the Director of Fish and Game Department may open up the season for the number of days that he so desires?

Sen. BLAISDELL: The bill states that it's for three days only.

Sen. LAMONTAGNE: Have we a House Bill now in your committee pending and does the bill from the House call for a residence?

Sen. BLAISDELL: We have had no such bill.

Adopted.      Ordered to third reading.

Sen. CLAVEAU: I move that the rules of the Senate be so far suspended as to allow introduction of a committee report without previous notice in the Journal.

Adopted.

**SB 114**

providing for a snow-making system for Mount Sunapee State Park, and making an appropriation therefor. Referred to the Study Committee of the Public Works and Transportation Committee. Sen. Claveau for the Committee.

Sen. CLAVEAU: Mr. President, after a joint hearing of Public Works and Finance it was decided that this should be referred to the committee of Public Works and Transportation.

Sen. JACOBSON: I rise in support of the committee's recommendations. This bill will hopefully receive serious study with all of its ramifications. I have had a number of people who feel that this snow making should be part of the Mt. Sunapee program.

Adopted.

Sen. Porter moved that the rules of the Senate be so far suspended as to permit introduction of SB 228 and SB 162 without previous notice in the Journal.

Adopted.

**SB 228**

establishing a committee to recommend a codification of the environmental laws of the state. Ought to pass with amendment. Sen. Porter for the Committee.

**AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Committee Established. The governor shall establish a committee consisting of seven persons who are authorized and directed to supervise the work necessary to revise, codify and amend the environmental laws of this state and to arrange the same in a systematic, annotated and condensed form, so far as deemed wise, according to the general scheme and plan of the Revised Statutes Annotated. The seven member committee



shall be constituted as follows: the director of the department of resources and economic development; the director of fish and game; the director of the division of parks; the commissioner of the department of public works and highways; one member of the Environmental Law Council of New Hampshire to be appointed by the governor and council; an attorney from the office of legislative services; and an attorney from the attorney general's office. Departmental heads of the above mentioned departments or divisions, may designate such other qualified person from their department or division, to attend committee meetings or hearings, as they in the exercise of sound discretion, see fit. The attorney general and the director of legislative services shall designate an appropriate member attorney from their respective staffs generally knowledgeable in drafting and environmental law to serve on the committee. Members shall serve for the biennium, either ex officio, or by designation.

Sen. PORTER: Mr. President, the committee on Resources and Environmental Control has found that based on research it would be proper to bring in a group of people, an outside committee, of non-legislators to look at the environmental laws of the state. This committee would have five members, three of them being department heads, two of them being attorneys. Recommendations during the public hearing suggested the amendment which widens the scope of the committee to include the commissioner, Department of Public Works and it also allows an outside attorney from the Environmental Council of New Hampshire.

Amendment adopted.      Referred to Finance.

## SB 162

relative to mining and removal of minerals and making an appropriation therefor. Without recommendation. Sen. Porter for the Committee.

Sen. Porter moved that the words ought to pass with amendment be substituted for without recommendation.

Sen. PORTER: Mr. President, I appreciate the opportunity to speak on this bill. I introduced SB 162 on behalf of the Department of Resources and it deals with the regulation of mining and removing minerals in the state and it makes an appropriation of \$25,000 per year. This will go to Finance for action. The bill deals with the regulation of mining in the state

to insure that there is no deterioration of the natural environment.

Sen. PRESTON: I'm not clear to what effect this would have on the proposals that were being considered for oil and gas exploration.

Sen. PORTER: I don't think that would be effected unless the natural gas and oil were to be mined off the coast then a permit would be required.

Sen. PRESTON: Are these clearly defined as to what obligations that these companies must meet?

Sen. PORTER: Yes, it is.

#### PARLIAMENTARY INQUIRY

Sen. PRESTON: I am concerned about this being an environmental bill and that I do not have all of the necessary information to act on it at this time.

Sen. PORTER: I am in agreement with Senator Preston.

Sen. Bossie moved that this be made a special order of business for Thursday next at 1:03.

Adopted.

#### SB 208

legalizing the Marlow town meeting of March 6, 1973. Without recommendation. Sen. Blaisdell for the Committee.

Sen. Blaisdell moved that ought to pass be substituted for the words without recommendation.

Sen. BLAISDELL: This bill was introduced at the request of the selectmen of the town of Marlow and it legalizes their town meeting because they did not have their town meeting report seven days prior to the town meeting.

Adopted.      Ordered to third reading.

#### SB 195

relative to merging the sewer and water commissions of the town of Sunapee. Without recommendation. Sen. Jacobson for the Committee.

Sen. Jacobson moved that the words ought to pass be substituted for the words without recommendation.

Sen. JACOBSON: Mr. President, SB 195 introduced by the presently presiding officer relates only to the town of Sunapee in which it petitioned that the sewer commission or water commission be joined. This is a process that is developing in several towns, and today under the means of employment and equipment it seems reasonable to have them joined and I urge the passage of this bill.

Adopted.      Ordered to third reading.

### **SB 216**

providing guidelines for standards relative to aid for town and country paupers. Ought to pass. Sen. Preston for the Committee.

Sen. Preston moved that further consideration of SB 216 be indefinitely postponed.

Sen. PRESTON: SB 216 sponsored by Sen. Bradley would require local government in towns, city or county to establish standards within the distribution of general assistance. We were bothered in this bill that it said that all individuals wishing to apply shall have the opportunity to do so and it promptly shall be furnished to all eligible individuals within twenty four hours of the day. We recommend that this particular bill be indefinitely postponed.

Adopted.

Sen. Bradley wished to be recorded as voting against the motion.

### **SB 253**

increasing the membership on the Ambulance Service Coordinating Board. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this bill adds two people to the Ambulance Service Coordinating Board, of the two new members one would be a member of the New Hampshire Association of Emergency and Medical Technicians and the other representing the New Hampshire Nurses Association. This was supported by Mr. Goodwin of Emergency Service and the Public Health Department and several others.

Adopted.      Ordered to third reading.

**SB 259**

to repeal statutes providing emergency medical transportation services. Ought to pass. Sen. McLaughlin for the Committee.

Sen. McLaughlin moved for indefinite postponement of SB 259.

Sen. MCLAUGHLIN: This bill, SB 259, was heard in hearing this morning and it's to repeal the statutes providing emergency medical transportation services. There were many people against this bill and the sponsor realizes and agrees that it should have been sent to committee in the first place. The committee is unanimous in indefinitely postponing.

Adopted.

**SUSPENSION OF RULES**

Sen. BRADLEY: I move that the rules of the Senate be so far suspended as to allow a hearing on SB 268 with only one day's notice in the Calendar.

Adopted.

Sen. BOSSIE: I move that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and that when we adjourn, we adjourn until Thursday next at 11:00 a.m.

Adopted.

**LATE SESSION****Third reading and final passage**

SB 189, authorizing fiduciaries to deposit securities in a central or regional depository.

SB 254, relating to temporary investment of excess reserves of savings banks in federal funds.

SB 237, relative to food programs operated for benefit of elderly on school property.

SB 207, amending the New England higher education compact.

SB 211, relative to the sale of fresh water smelt caught outside the state for human consumption within the state.

HB 671, prohibiting the use of petroleum powered motorboats on Willard Pond in Antrim.

HB 447, to define the terms "when accompanied" as used in the fish and game laws.

HJR 15, relative to fire and rescue services provided by the town of Allenstown at Bear Brook State Park.

HB 286, relative to the taking of clams from the ocean waters of New Hampshire.

SB 172, relative to the marine fisheries.

SB 221, to increase resident fishing and hunting license fees and non-resident fishing license fees.

SB 157, to increase the membership of the port authority by one member who shall be a commercial fisherman.

HB 53, prohibiting the use of motorboats on the Cocheco River within the city limits of Rochester.

HB 602, relative to changing the name of Ivanhoe Pond in the town of Wakefield to Lake Ivanhoe.

SB 176, relative to the use of the word organic and the certification of organic farm produce.

SB 179, abolishing the restriction prohibiting state liquor stores from operating within close proximity to schools, churches and parish houses.

SB 201, enabling the Unitarian-Universalist Church of Portsmouth, New Hampshire and Pierce Memorial Universalist-Unitarian Church of Dover, New Hampshire to consolidate into one corporation named Unitarian-Universalist Church of Portsmouth, New Hampshire.

SB 29, to authorize the director of fish and game to open hunting and fishing seasons to residents other than during the regular season.



SB 208, legalizing the Marlow town meeting of March 6, 1973.

SB 195, relative to merging the sewer and water commissions of the town of Sunapee.

SB 253, increasing the membership on the Ambulance Service Coordinating Board.

SB 150, relative to importing and releasing wild life.

SB 250, to permit the Barrington school district to withdraw from the Rochester authorized regional enrollment plan.

SB 110, relative to service retirement benefits under the N.H. Retirement System.

Adopted.

Sen. Bradley moved reconsideration of SB 237 at this time.

Motion lost.

Sen. Jacobson moved the Senate adjourn at 5:00 p.m.

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### *Thursday, 31May73*

The Senate met at 11:00 a.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

We commend this Nation, and especially our State, to Thy continual guidance. Save us from violence, discord, confusion pride and arrogance. Reskindle within all people a true love of liberty and patriotism.

May Thy Spirit change our inner lives, our thoughts, words and deeds that we may manifest Thy glory before all.

We ask Thy blessing in the Name of our Lord and Savior, Jesus Christ our Lord. Amen.

Pledge of Allegiance was led by Mrs. Blaisdell and Bert Snay.

## COMMITTEE OF CONFERENCE REPORT

The committee of conference to whom was referred HB 565, An Act requiring only motor vehicle accidents where damages are two hundred dollars or above to be reported, having considered the same report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur in the adoption of the Senate amendment, and

That the House and Senate each pass the bill as amended by the Senate.

Sen. Bradley

Sen. Claveau

Sen. Lamontagne

Sen. Jacobson

Sen. Bossie

Conferees on the Part of the Senate

Rep. Hamel

Rep. Bartlett

Rep. Meserve

Rep. Woods

Rep. Lebel

Conferees on the Part of the House

Sen. BRADLEY: The House is acceding to our version so there is no reason why we shouldn't accept it.

Sen. Bradley moved adoption.

Adopted.

RECESS

OUT OF RECESS

## ENROLLED BILLS REPORT

HB 447, to define the terms "when accompanied" as used in fish and game laws.

HB 602, relative to changing the name of Ivanhoe Pond in the town of Wakefield to Lake Ivanhoe.

HJR 15, relative to fire and rescue services provided by the town of Allenstown at Bear Brook State Park.

Sen. Provost  
*For The Committee*

### COMMITTEE REPORTS

#### SB 212

establishing a commission to study the state retirement systems and making an appropriation therefor. Without recommendation. Sen. Jacobson for the Committee.

Sen. Jacobson moved that the words ought to pass be substituted for the words without recommendation.

Sen. JACOBSON: Mr. President, SB 212 has as its intention the establishment of a commission to study the state retirement system. If any of you have watched the retirement bills that come in, it's been a very difficult situation and it seems that there is this necessity to establish and study this thoroughly and come in with one bill that can be handled instead of a diversity of bills that come in. This bill has an appropriation to it and would go to Finance. I have just learned that there is a similar bill HJR 39. Now if HJR 39 passes it may very well be that it would end by making SB 212 inexpedient, but until such time as we know this, the committee recommends that it ought to pass and go on to Finance.

Adopted. Referred to Finance.

#### SB 194

permitting control of outdoor advertising on class IV and V highways. Without recommendation. Sen. Poulsen for the Committee.

Sen. Poulsen moved that SB 194 be laid on the table.

Sen. Poulsen moved that SB 194 be taken from the table.

Adopted.

Sen. Poulsen moved that the words ought to pass be substituted for the words without recommendation.

Adopted. Referred to Finance.

#### SB 81

establishing a commission on children and making an ap-

propriation therefor. Without recommendation. Sen. Jacobson for the Committee.

Sen. Jacobson moved that the words ought to pass with amendment be substituted for the words without recommendation.

### AMENDMENT

Amend RSA 169-B:1 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

169-B:1 Commission Established. A state commission, to be known as the New Hampshire Commission on Children and Youth ( i hereby created and established. The commission shall consist of not more than seventeen members, eight of which shall be private citizens known for their professional competence or experience relating to the needs of minors, and representing among others the Senate, the House of Representatives, the clergy, the bar, the medical and mental health professions, child oriented commissions and councils, social service professionals, privately funded education, parents and minors. These eight members shall be appointed by the governor and council. There shall be nine additional members who shall include the heads of the following public agencies or their specific designees:

I. Commissioner of health and welfare.

II. Commissioner of education.

III. Representative of the courts, appointed by the chief justice of the supreme court.

IV. Division of state police, department of safety.

V. Representative of the state industrial school.

VI. Representative of the department of probation.

VII. Representative of department of employment security.

VIII. Individual recognized as having professional competence in administering juvenile recreation, and representing an organization such as the YMCA, YWCA, city park departments or city community centers.

IX. Representative of the New Hampshire commission on the arts.

Amend RSA 169-B:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

1769-B:2 Terms of Office. The term of office of each member shall be three years, except that of the members first appointed, of which six shall be appointed for terms of one year, six shall be appointed for terms of two years, and five shall be appointed for terms of three years. Members of the commission may be reappointed at the expiration of their terms. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointments. The governor shall designate a chairman from among the members of the commission, who shall serve as chairman for a two years term.

Amend RSA 169-B:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

169-B:4 Meetings. The commission shall meet regularly, not less often than quarterly, to consider the needs of children and youth in the state, and to determine which of the particular areas of concern its efforts will be focused upon. Such meetings shall be held at a time and a location as determined by the chairman, as the chief executive officer of the commission. The council, shall appoint a chairman to serve for a term of two department heads related to the areas of concern so designated, shall assign additional representatives to assist the commission staff, upon request of the commission.

Amend RSA 169-B:6 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

169-B:6 Chairman. The governor with the consent of the years and until his successor shall be appointed and qualified. The chairman may be reappointed at the end of his term.

I. Duties. The chairman shall:

- (a) Be the chief executive officer of the commission.
- (b) Execute such activities of the commission that the commission deems appropriate.
- (c) Employ such assistants as may be necessary to carry out the purposes of this chapter within the limits of available appropriations and funds while insuring compliance with state personnel regulations, with special attention to personnel qualified to be responsible for data collection, analysis, dissemination,



and statewide planning of direct services to the communities of the state.

Amend RSA 169-B:7 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

169-B:7 Acceptance of Grants. The chairman is authorized to accept in the name of the state and for the purpose of furthering the objectives of the commission's programs any:

I. Special grants, monies, or services from the federal or state government or any of their agencies; and

II. Gifts, contributions, and bequests of funds from individuals, foundations, corporations, and other organizations or institutions.

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated the sum of twenty-two thousand five hundred ten dollars for the fiscal year ending June 30, 1974, and a like sum for the fiscal year ending June 30, 1975. The governor is authorized to draw his warrant for said sums out of any monies in the treasury not otherwise appropriated. The appropriation is for the following purposes:

	<i>Fiscal 1974</i>	<i>Fiscal 1975</i>
(a) Other personal services	12,000	12,000
(b) Per diem for citizen commission members	2,000	2,000
(c) Equipment	1,710	800
(d) Current expenses	1,800	1,800
(e) Travel:		
In-state	3,500	4,410
	<hr/>	<hr/>
(f) Other expenditures	1,500	1,500
	22,510	22,510

3 Effective Date. This act shall take effect July 1, 1973.

Sen. JACOBSON: Mr. President, SB 81 was considered by the Committee on Executive Departments, Municipal and County Governments. We recommend several changes in the bill. The first is that it cuts down the commission from twenty-seven to seventeen. It was felt that the committee or rather the

commission was too cumbersome to have twenty-seven members in it and to that end the number of private citizens is reduced from fourteen to eight. Then instead of having three members from the Department of Health and Welfare there will be one member. Instead of having three members from the Department of Education there will be one member. So that the total then is seventeen. A further change is that the members from the public will be appointed in the normal procedure of any governor and council appointees instead of having the special committee do the appointing. It then strikes out the executive director. This seemed to be a job that is not yet needed, and possibly at a further time an executive position could be established.

Amendment Adopted. Referred to Finance.

**SB 199**

providing for the removal of outdoor advertising from those areas presently zoned commercial and industrial. Without recommendation. Sen. Claveau for the Committee.

Sen. Claveau moved that SB 199 be laid on the table.

Adopted.

**SB 248**

authorizing the Governor to enter into a contract with Schools of Dental Medicine to guarantee openings for qualified New Hampshire students and making an appropriation therefor. Ought to pass with amendment. Sen. Bossie for the Committee.

**AMENDMENT**

Amend RSA 200-H:1, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

200-H:1 Agreement Authorized. The governor is authorized to enter into an agreement on behalf of the state with Tufts University School of Dental Medicine or an alternate accredited school of dental medicine whereby the state will pay five thousand dollars per academic year beginning after August 1, 1973 for each New Hampshire resident admitted and enrolled under this program in exchange for the agreement of such a school of dental medicine to reserve up to five places in each class for qualified New Hampshire residents. Not more than fifteen students shall be enrolled under this program at any one

time. Upon application by each student seeking admission to to such a school under this plan, the New Hampshire coordinating board of advanced education and accreditation shall certify to the respective school whether such student is a resident of New Hampshire in accordance with the definition of "resident" and related policies as adopted by that board, which definition shall have been approved by the governor and council.

Sen. BOSSIE: Mr. President, SB 248 which was introduced by Senator S. Smith provides that the Governor is authorized to enter into a contract with schools of dental medicine to give a guarantee of openings for qualified New Hampshire students. This takes a \$40,000 appropriation for 1974 and \$80,000 for 1975. The bill has been amended so that it would comply closer with the bill that has previously passed authorizing the Governor to enter into contracts with medical schools. So this would provide a maximum of fifteen students from New Hampshire to be in dental schools.

Amendment Adopted.      Ordered to Finance.

#### **SB 267**

relative to dual enrollment and child benefit services. Without recommendation. Sen. Johnson for the Committee.

Sen. Johnson moved that the words ought to pass with amendment be substituted for the words without recommendation.

#### **AMENDMENT**

Amend the bill by striking out section 6 of the bill and inserting in place thereof the following:

6 Special School District Meetings. Any school board, notwithstanding any other statute to the contrary, may warn a special school district meeting at any time prior to the 1974 annual school district meeting for the sole purpose of appropriating any funds which become available for child benefit services for the school year 1973-74 and said meeting shall have all the powers of regular annual school district meeting.

7 Effective Date. This act shall take effect upon its passage, provided that the state board of education is authorized to pay grants pursuant to RSA 198:22 for the school year of 1972-73 if applications are received by August 1, 1973.

Sen. JOHNSON: Mr. President, everybody at the hearing was in favor of this bill. This basically is a bill to attempt to further legalize the dual enrollment principle, and we feel it ought to pass.

Sen. SPANOS: Mr. President, this bill was sponsored by Senator Foley, Sen. Jacobson and myself in continuation of a role that we played for some time in the development of aid to the non-public schools. What this bill does is attempt to some degree to circumvent the supreme court ruling which minimized the dual enrollment participation by the state in support of non-public schools. It's going to take the money that we have currently appropriated and put it into an area in which we think can very easily be supported by a constitutional principle. What it is doing is adding new areas of child benefit services. Transportation, text books, education television services, etc to this program. I hope you will accept this bill which has the blessings of his excellency and others and send it along to the House.

Sen. LAMONTAGNE: Mr. President, I rise in support of the motion, and at the same time I think that the comments that have been made by Senator Spanos are in agreement with me and at the same time in adding to the property tax owner it would create a burden and hurt industry up north.

Sen. GARDNER: I also support this bill. I think that we ought to help the schools as far as we can and relieve property taxes.

Amendment Adopted.      Referred to Finance.

#### SB 184

establishing qualification standards for the licensing of individuals doing electrical installations. Without recommendation. Sen. Downing for the Committee.

Sen. Downing moved that the words Referred to Interim Committee on Ways and Means and Administrative Affairs be substituted for without recommendation.

Sen. DOWNING: Mr. President, the purpose for the motion is that many people who testified for the bill seemed to be in sympathy with HB 570 as a responsible piece of legislation. We feel that it should be kept alive by the interim study committee.

Adopted. Referred to Interim Committee on Ways and Means.

**SB 245**

relative to the duties of the state treasurer and director of the division of accounts. Without recommendation. Sen. Preston for the Committee.

Sen. Preston moved that the words ought to pass with amendment be substituted for the words without recommendation.

**AMENDMENT**

Amend RSA 6:10 as inserted by section 3 of the bill by striking out the same and inserting in place thereof the following:

6:10 Disbursements. The treasurer shall pay, out of any moneys not otherwise appropriated, all sums due by virtue of general or special appropriations of the legislature, on warrant drawn by the governor, and the principal or interest on all loans which may at any time become due. All bills and obligations of the state shall be paid from his office. In the performance of this duty, the treasurer may accept warrant checks prepared by the department of centralized data processing as official documents of the state. The department of centralized data processing hereby assumes responsibility for any overpayment, duplicate payment or any unauthorized payment of such official documents, and shall be bonded for that purpose.

Sen. PRESTON: Mr. President, this bill includes the New Hampshire Retirement System as one of the funds to which the New Hampshire state treasury is bonded. It also removes the requirement of the state treasury to keep separate accounts with each salary and each appropriation. Since the utilization of the data processing system this seems a bit archaic. This bill also suggests that the treasury now prepare duplicates for unauthorized payments.

Amendment Adopted. Referred to Finance.

**SB 170**

increasing the number of members of the Boundary Commission, including a commercial fisherman, and providing for a study of both the Maine and the Massachusetts boundaries



with New Hampshire. Without recommendation. Sen. Porter for the Committee.

Sen. Porter moved that SB 170 be laid on the table.

Adopted.

Sen. Porter moved that we take up the Special Order of Business for 1:03 at this time.

Adopted.

### **SB 162**

relative to mining and removal of minerals and making an appropriation therefor. Without recommendation. Sen. Porter for the Committee.

Sen. Porter moved that the words ought to pass with amendment be substituted for the committee report without recommendation.

Sen. PORTER: Mr. President, this bill has an amendment in two parts and the amendments are first that the words oil and natural gas be included in the definition of minerals. This was recommended by the Director of DRED during the public hearing.

Also a second suggested amendment was to incorporate language as such, that this department or authority would come in under the Environmental Protection Department if SB 1 were to pass.

Sen. LAMONTAGNE: What effect is this going to have on moving some of the earth? What effect will this have on Public Works in regard to gravel banks?

Sen. PORTER: Gravel banks will be regulated by this department and they will receive permits from the Department of Resources.

Sen. LAMONTAGNE: Was there any opposition?

Sen. PORTER: There was opposition to the bill.

Sen. Lamontagne moved that SB 162 be referred to an interim study committee on Resources and Environmental Control.

Sen. LAMONTAGNE: Mr. President, this bill has had a

lot of opposition and in passing this bill at this time is not in the best interests. Now with the new homes going up in New Hampshire the gravel banks will be in need of improvement, and I feel that this needs to be studied.

Sen. PRESTON: I'd like to speak on the amendment. Referring to the transfer of function for the mining and removing of minerals as provided in this bill would seem premature at this time.

Sen. PORTER: Mr. President, I rise in opposition to the motion. I would like to see this bill be sent on to Finance. I have no real objection to the deletion of the section of the amendment which transfers this function to the proposed Environmental Protection Department. I feel that the bill has had adequate review by all the interested groups and I would urge the Senate to pass this.

Sen. Lamontagne moved that SB 162 be laid on the table.

Adopted.

## RECESS

## OUT OF RECESS

### SB 143

amending the Rochester city charter to provide for a five member police commission, one member elected from each ward. Without recommendation. Sen. Blaisdell for the Committee.

Sen. Blaisdell moved that the words inexpedient to legislate be substituted for the words without recommendation.

Sen. BLAISDELL: SB 143 would amend the Rochester City Charter to provide for a five member police commission with one member elected from each ward. The committee felt that the trend in the cities is to do away with the Police Commission. And the committee was unanimous in its report of inexpedient to legislate.

Adopted.

### SB 191

transferring certain state prison employees from Group I of the N. H. Retirement System to Group II, or from the Em-

ployees' Retirement System to Group II; and making an appropriation therefor. Without recommendation. Sen. Johnson for the Committee.

Sen. Johnson moved that the words referred to commission to study retirement benefit systems in New Hampshire be substituted for the words without recommendation.

Sen. JOHNSON: Executive Departments, Municipal and County Governments had a hearing on this bill and at the hearing Warden Vitek testified and said that this only covers part of our state employees. The general feeling was that it needed more study.

Adopted. Referred to Study Committee.

#### **SB 177**

providing a method to amend city charters by a people's initiative petition. Without recommendation. Sen. Jacobson for the Committee.

Sen. Jacobson moved that the words referred to a study committee on Executive Departments, Municipal and County Governments be substituted in place of without recommendation.

Sen. JACOBSON: Mr. President, what this bill does is allow changes in City Charters via petition. Now it was introduced by Senator Green with special interest to the City of Rochester, however like so many of these bills they universalize the process and the committee was unsure on what the real feelings were of all the other citizens. On that basis we feel that it ought to receive further study because it is an important change.

Sen. GREEN: I rise in support of the recommendation of the committee. However, I'd like to speak in reference to my intention for submitting the bill. I'd like to make it very clear that I did not introduce the bill with just the City of Rochester in mind. I realize that it effects all cities in the State of New Hampshire. Being very concerned about the home rule statute in our law books I introduced the bill with that in mind. I think it's a good idea for Executive Departments, Municipal and County Governments to have time to study it and I think it does have far-reaching effects in terms of home rule in all cities in New Hampshire.

Adopted. Referred to study committee on Executive Departments, Municipal and County Governments.

**SB 187**

clarifying the authority of county conventions to set salaries. Without recommendation. Sen. Jacobson for the Committee.

Sen. Jacobson moved that the words ought to pass with amendment be substituted for the words without recommendation.

**AMENDMENT**

Amend the bill by striking out section 3 and inserting in place thereof the following:

**3 Repeal.**

I. RSA 7:35-g (supp) as inserted by 1971, 514:10 relative to the salary of the Merrimack county attorney is hereby repealed.

II. RSA 104:29, I (a) (supp) as inserted by 1965, 162:1, relative to the salary of the Merrimack county sheriff is hereby repealed.

Sen. JACOBSON: Mr. President, what this bill does is it clarifies some of the language with respect to the bill that we passed last year, SB 153. This clarifies it so that each county shall set the salaries for the various officers and that they be not established at a lesser amount than what they were receiving on December 31, 1972. It also puts the deputy sheriffs on salaries instead of fees and also repeals the section that was an incongruity with what we established as a statute with regards to the Merrimack County Attorney who was on a very small salary, and this would be in harmony with the law that we established last session. Then it was found that the Merrimack County Sheriff, who has a salary of \$1,000 in the statutes, was again not what we had passed last year.

Sen. POULSEN: Senator Jacobson, when you mention the salary as of 1972 did that include the fees that the register of deeds was getting of the revenue stamps?

Sen. JACOBSON: Technically it does, but there is a HB that is going to take care of that matter as it follows afterwards.

Sen. POULSEN: What do you mean?

Sen. JACOBSON: HB 192 takes care of that business of which you speak in a separate piece.

Amendment adopted.      Ordered to third reading.

**SB 205**

relative to retention of legal residence in spite of private or institutional confinement. Without recommendation. Sen. Johnson for the Committee.

Sen. Johnson moved that the words ought to pass be substituted for the committee report without recommendation.

Sen. JOHNSON: SB 205 clarifies the retention of legal residence. It provides that the elderly should not be deprived of their legal residence in the event of being confined to a hospital or nursing home, etc. Further it states that temporary absence on the part of students shall not deprive a person of his legal residence. The committee's report was unanimous.

Sen. BOSSIE: If a New Hampshire resident voluntarily goes into a nursing home in Massachusetts and they have a lot of money and they die, Massachusetts wants to collect an inheritance tax and so does the state of New Hampshire. Under the law both states can do this, does this cure that in any way?

Sen. JOHNSON: While we did not come to that point I believe that this would effect that case.

Adopted.      Ordered to third reading.

**SB 239**

relative to regulating Sunday activities in towns of over ten thousand. Without recommendation. Sen. Jacobson for the Committee.

Sen. Jacobson moved that the words ought to pass be substituted for the words without recommendation.

Sen. JACOBSON: SB 239 simply changes the word twenty to ten and that relates to ten thousand population in the town. In the present statute it limits it to twenty thousand. What the statute does is give or allow the selectmen to issue ordinances with regards to the Lord's day activities, with regard to selling and buying without first having the vote of the town. However, once they make the ordinance then that will come for considera-



tion at the next town meeting. This simply allows the town of ten thousand or more to do what presently only towns of twenty thousand or more can do.

Sen. CLAVEAU: Does this involve liquor stores as well?

Sen. JACOBSON: Yes, it does.

Adopted.      Ordered to third reading.

### **SB 260**

relative to terms of office of members of the commission on the status of women. Without recommendation. Sen. Johnson for the Committee.

Sen. Johnson moved that the words ought to pass be substituted for the committee report without recommendation.

Sen. JOHNSON: Mr. President, and fellow Senators, SB 260 relates to the terms of office of the members on the commission on the status of women. The bill restates that the terms shall be for three years.

Adopted.      Ordered to third reading.

### **SB 261**

providing for the election of members to the county convention as a separate county office. Without recommendation. Sen. Jacobson for the Committee.

Sen. Jacobson moved that the words ought to pass be substituted for the words without recommendation.

Sen. JACOBSON: Mr. President, the members of the Senate will remember that we had a great deal of discussion on HB 114 in regards to continuing the representative on the county convention but not allowing county commissioners to be represented. And you will remember that a great deal of discussion centered about a proposal to make a distinction between being a member of the House of Representatives and being a delegate to the constitutional convention. What SB 261 does is separate these two offices so that an individual may run for both offices or may not run for both offices. Now what this will do is, it will make perfectly clear for the county convention delegate who are the members of the House of Representatives. If a man wants to be a Senator and a Representative and run for county convention, he may. The only restriction is that a person who

is a County Commissioner or holds any other county office may not be a County Convention Delegate.

Adopted.      Ordered to third reading.

**SB 262**

relative to an alternate form of county government. Without recommendation. Sen. Jacobson for the Committee.

Sen. Jacobson moved that the words ought to pass be substituted for the words without recommendation.

Sen. JACOBSON: SB 262 is a relatively large bill. But what it does is it transforms the present county system of government into a city managerial type of government, a City Council type of managerial government. This would only take place when the County Convention is willing to vote itself out of office and establish it. What it does is it makes that type of government a possible alternative form of county government. The committee gave consideration to this and felt that it certainly had merit and that it should be passed on to the House for further discussion. We were not able to give it all the discussion and advertise the time of it but it seemed like a possible solution to some of the many problems that have been raised by the present structure of government.

Sen. BRADLEY: I would like to speak in favor of this. This is still a little rough around the edges but I hope that the Senate will pass it along to the House.

Adopted.      Ordered to third reading.

**SB 72**

limiting bequests to town trustees for the care of individual burial lots; broadening the investment discretion of town trustees; and requiring that reasonable compensation be paid to trustees of charitable trusts. Without recommendation. Sen. Jacobson for the Committee.

Sen. Jacobson moved that the words refer to interim study committee on Executive Departments be substituted for the words without recommendation.

Sen. JACOBSON: Mr. President, what SB 72 does is it proposes a very significant change with regard to trustee funds in respect to cemeteries. As many of you know in many towns people spend two or three hundred dollars and then receive per-

petual care on their cemetery plot. Now according to some of the testimony that was offered, now these things have built up into large sums of money but a preliminary investigation of this showed that this was not necessarily true. There was merely a time factor in respect to when they spent the money and when they received the money. And it was the unanimous feeling of the committee that this be given further study.

Adopted. Referred to interim study committee on Executive Departments, Municipal and County Governments.

### SUSPENSION OF RULES

Sen. Bradley moved that the rules of the Senate be so far suspended as to allow for a committee report without proper notice of public hearing.

Adopted.

#### **SB 268**

conforming civil actions commenced by attachment and/or trustee process to constitutional due process limitations. Without recommendation. Sen. Bradley for the Committee.

Sen. Bradley moved that the words ought to pass be substituted for the words without recommendation.

Sen. BRADLEY: This bill, introduced by Sen. Jacobson and supported by the Governor's office, is a bill that would bring our tax statutes in line with recent federal constitutional court decisions. Our present statutes allow a person's property to be attached without notice and a hearing. Having been declared unconstitutional, this bill would bring our statutes in line with the constitutional requirement that attachments not be made until the person whose property is being attached is awarded notice and an opportunity to a hearing.

Adopted. Ordered to third reading.

Sen. Bradley moved that the rules of the Senate be so far suspended as to allow for a committee report without proper notice of public hearing.

Adopted.

#### **SB 220**

to expand the scope of summary judgment proceedings.

Sen. Bradley moved that the words ought to pass be substituted for the committee report without recommendation.

Sen. BRADLEY: Mr. President, this bill would expand the present summary judgment proceeding which is available to the court system of the state of New Hampshire, to bring the procedure in line with federal rules of civil procedure. With the federal rules being a little broader than the state rules this bill enacted would make the state rules more uniform with the federal rules and allow some of the judgment proceedings to take place.

Adopted.      Ordered to third reading.

### SB 231

specifying procedures for termination of residential gas or electric services. Without recommendation. Sen. Bradley for the Committee.

Sen. Bradley moved that the words ought to pass be substituted for the words without recommendation.

Sen. BRADLEY: Mr. President, the bill would establish procedures for Public Gas or Electric Utility Companies whenever they terminate residential service, in that it would provide a hearing procedure to any person with the intent to terminate services and who believes that the termination is not justified. The problem that the bill seeks to deal with is a situation where the company cannot just terminate service without this hearing, if desired, because in the winter time it is a very serious thing.

Sen. BOSSIE: The bill basically will provide that before the electric service or gas service may be terminated that a hearing be held before the proper authority. This has been found to be a problem especially in Manchester, there are a lot of people who live in the third floor of a building with a number of children and they have their utilities terminated without notice, either because the mail was lost or welfare hasn't paid the bill or some reason or other. We ask the Senate to concur with the recommendation of the committee.

Sen. GREEN: Does this bill mean that before the electric or gas company can turn off service that they must provide a hearing?

Sen. BOSSIE: They have to give ten days' notice that's all,

except when the individuals make an appeal and a request for a hearing so that they have a proper remedy as now they do not.

Sen. GREEN: How is the procedure, when this bill is passed, going to differ?

Sen. BOSSIE: Under the present procedure if the company wants to turn off the utilities they do and that's it. This allows for an appeal.

Sen. GREEN: Does the utility now have to provide notice to the recipient that they are going to turn the service off?

Sen. BOSSIE: I don't know if they have to.

Sen. FERDINANDO: Isn't certified mail an expensive way to notify someone who is not paying their bills?

Sen. BOSSIE: I don't believe that this is an extravagance whatsoever.

Sen. JOHNSON: With whom would this conference be?

Sen. BOSSIE: The conference would be with a representative of the Public Utilities Commission.

Sen. JOHNSON: How many days after this request would the conference have to take place?

Sen. BOSSIE: Within that three day period.

Sen. LAMONTAGNE: Did you say that there was \$100,000 involved?

Sen. BOSSIE: Under the notices that they send it costs the Public Service Company \$100,000.

Sen. LAMONTAGNE: Does this \$100,000 reflect on the rates that I have to pay?

Sen. BOSSIE: It would if it does cost \$100,000. I don't believe it would cost that much.

Sen. Green moved that SB 231 be laid on the table.

Adopted.

Sen. Provost moved that we take up the Special Order of Business for 1:02 at this time.

Adopted.



Sen. Provost withdrew his motion with the consent of the Senate.

**SB 230**

relative to child support payments. Without recommendation. Sen. Bradley for the Committee.

Sen. Bradley moved that the words ought to pass with amendment be substituted for the words without recommendation.

Sen. BRADLEY: Mr. President, the amendment to SB 230 has been distributed. The amendment constitutes the entire substance of the bill. The amendment simply makes the court order a permissive one changing the "shall" to "may" and makes the second order subject to the existing rate patterns. This bill was supported by the Welfare people in particular because of the situation where husbands don't pay support orders which have been imposed upon them. This would provide that the court order was paid out of the man's salary.

Sen. SANBORN: If I'm not mistaken a federal employee's wages cannot be changed in any shape or manner. How does that effect that?

Sen. BRADLEY: This is not a garnishment or an attachment in the traditional sense. This is after there has been a hearing and the court has determined the amount of support payment that is to be paid by the husband for the children. And this would give the courts power to order the payments made out of the man's salary.

Sen. Ferdinando moved that SB 230 be indefinitely postponed.

Sen. FERDINANDO: I do this as my understanding is that if we pass this bill then what we are doing here is having the employer get involved in the marital status problems of its employees, and in my opinion this doesn't make good sense. I think that the employer-employee relationship should be one that should not involve how much the wife is going to get paid and they should not get involved in this area.

Sen. LAMONTAGNE: You're heard about the husband paying to the wife, well how about the wife paying the husband?

Sen. JACOBSON: I rise in opposition to the pending mo-

tion, on the very firm basis that what has been developing here is that the court has in fact given orders of payment for support and these payments have not been made for some reason or other. I would hope that the Senate would defeat this motion and accept the amendment.

Sen. SPANOS: I rise in support of the motion as offered by Senator Ferdinando. In this case I find an inverse psychology working to the detriment of the recipient. I am not saying for one minute that I subscribe that this will be a hardship on the employer for keeping track of what should be going to the wife but what worries me is if the court, in fact, says that John Smith has ten employees and that he must deduct the support payments from the wages of the employee, what I think is going to happen is that that employee is not long for employment. That the employer will not in fact do this work.

Motion lost.

#### AMENDMENT

Amend RSA 458:35-a as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

458:35-a Support Payments. The court may order any payment for child support to be deducted by the husband's employer from the husband's wages or salary and said payments to be made by husband's employer directly to the wife or probation department, subject to existing wage attachment limitations.

Amendment Adopted.      Ordered to third reading.

Sen. Bradley moved that the rules of the Senate be so far suspended as to allow for a committee report without the proper notice in the Journal.

Adopted.

#### SB 233

establishing a commission to recommend three candidates for all judicial appointments. Without recommendation. Sen. Bradley for the Committee.

Sen. Bradley moved that the words ought to pass be substituted for the words without recommendation.

Sen. BRADLEY: Mr. President, this bill would establish a commission who would select a panel of candidates for each judicial opening where the Governor and Council are called upon to appoint. The Governor and Council would have the option of selecting the particular candidate from among that panel on selecting anyone else they chose. Therefore it is a very permissive bill but it would allow an input from a panel to screen candidates for judicial office. The commission would consist of five members of the New Hampshire Bar and five members of the general public that would be appointed by the Governor and Council.

Sen. BOSSIE: Senator Jacobson, I realize that you haven't spoken on the bill yet but is it my understanding Senator that this is purely an Advisory Commission and that the Governor and Council does not have to accept its recommendation.

Sen. JACOBSON: Yes, Senator, I wanted to have it harder than that but I was informed that the constitution prohibits that, and therefore it is advisory.

Sen. BOSSIE: Under your bill, Senator Jacobson, every time that a judge is appointed is it necessary that a commission re-study the qualifications of the applicant or nominee?

Sen. BRADLEY: Yes, and there is also some type of Governor's commission that is studying it.

Sen. SPANOS: Senator Jacobson, is this applicable to the entire judiciary i.e. the superior court, the probate court, the district courts?

Sen. JACOBSON: Yes.

Sen. BOSSIE: Mr. President, I concur with SB 233. I think it offers a lot and it's a step in the right direction.

Adopted.      Ordered to third reading.

Sen. Porter moved that the rules of the Senate be so far suspended as to allow for a committee report without the proper notice in the Journal.

Adopted.

## **SB 236**

providing due process in the right of appeal for suspended

state employees. Without recommendation. Sen. Porter for the Committee.

Sen. Porter moved that the words ought to pass be substituted for the words without recommendation.

Sen. PORTER: Mr. President, this bill did have a public hearing however it was not given the full allotted time to be in the Journal. SB 236 deletes the words, "for more than thirty days in one year," relative to the right of a state employee to have the right of appeal. This means that in the interest of fundamental fairness, a state employee has the right to appeal in the event that he is suspended. Several people appeared in favor of the bill. The committee recommends its passage.

Sen. GREEN: Does this mean that there is no right to appeal at the present time?

Sen. PORTER: Not if suspended for less than thirty days in any one year.

Sen. GREEN: So you are saying that if a state employee is suspended for less than thirty days that they do not have the right to appeal.

Sen. PORTER: They don't at the present time but they will if we pass SB 236.

Adopted.      Ordered to third reading.

Sen. Bradley moved that the rules of the Senate be so far suspended as to allow for a committee report without the proper notice of hearing in the Journal.

Adopted.

## SB 247

relative to the civil action of replevin. Without recommendation. Sen. Bradley for the Committee.

Sen. Bradley moved that the words ought to pass be substituted for the words without recommendation.

Sen. BRADLEY: Mr. President, this bill is with relationship to SB 268 which we recently acted on early today. It is an attempt to bring our statute into line with the present constitutional principle at the present time by putting up a bond you can go out and have the sheriff pick up property which you

claim is properly yours and improperly held by someone else without giving that person an opportunity for a hearing. The Federal courts are saying that this is unconstitutional. SB 247 amends the law extensively to bring about the federal constitutional requirement. This is favored by the Governor's office.

Adopted.      Ordered to third reading.

Sen. Claveau moved that the rules of the Senate be so far suspended as to allow introduction of a committee report without proper notice of hearing in the Journal.

Adopted.

### **SB 251**

requiring bicycle riders to obey the rules of the road. Without recommendation. Sen. Claveau for the Committee.

Sen. Claveau moved that the words ought to pass with amendment be substituted for the words without recommendation.

### **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Bicycle Rules of the Road. Amend RSA 250:17 by striking out said section and inserting in place thereof the following:

250:17 Application of Motor Vehicle Laws to Bicycles. Every person riding a bicycle upon a highway or upon a path set aside for the exclusive use of bicycles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by RSA 262-A, except as to the provisions of RSA 250:17-a and except as to those provisions of RSA 262-A which by their nature can have no application.

2 Operation of Bicycles. Amend RSA 250 by inserting after section 17 the following new section:

250:17-a Riding on Bicycles.

I. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

II. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.



III. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

IV. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

V. Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

VI. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. CLAVEAU: SB 251, an act requiring bicycle riders to follow the rules of the road, in effect every person who rides a bicycle upon the roadway shall be subject to all the duties of a person riding a motor vehicle. This bill was supported by the AAA and the New Hampshire Highway Safety Division.

Sen. FERDINANDO: Does this mean that no one will be allowed to ride on the handle bars?

Sen. CLAVEAU: That's correct.

Amendment Adopted.      Ordered to third reading.

## SB 252

providing for a reduction in the costs of administration of the Manchester district court. Without recommendation. Sen. Bossie for the committee.

Sen. Bossie moved that the words ought to pass with amendment be substituted for the words without recommendation.

## AMENDMENT

Amend section 3 of the bill by striking out the same and inserting in place thereof the following:

3 Salary of Clerks of District Courts. Amend RSA 502-A:6, III, as inserted by 1963, 331:1, as amended, by inserting at the

end thereof the following (except that the annual salary of the clerk of the Manchester district court shall be set by the justice thereof and shall be not more than seventy-five percent of the salary paid the justice as provided in paragraph I) so that said paragraph as amended shall read as follows:

III. SALARIES OF CLERKS. The annual salaries of the clerks of the district courts shall be an amount equal to sixty percent of the salary paid the justice as provided in paragraph I, except that the annual salary of the clerk of the Manchester district court shall be set by the justice thereof and shall be not more than seventy-five percent of the salary paid the justice as provided in paragraph I.

Sen. BOSSIE: Mr. President, this bill provides for the reduction of cost of the administration of the Manchester District Court. What this bill does is take away one job. We have a Deputy Clerk in Manchester District Court and we are going to do away with this job if this bill passes and by doing so we'll raise the salary of the clerk to 75% of the judge. In the end it will save the city of Manchester a substantial amount.

Amendment adopted.      Ordered to third reading.

#### SB 238

changing the name of the Berlin Wayside Area in the capital appropriations of 1971. Without recommendation. Sen. Lamontagne for the Committee.

Sen. Lamontagne moved that the words ought to pass be subsituted for the words without recommendation.

Sen. LAMONTAGNE: Mr. President, this is a very simple bill. In 1971 the honorable Senator from the second district and myself had in the appropriations \$30,000 marked for the Berlin Wayside Area, but now it is asked in this bill to add "recreation area".

Adopted.      Ordered to third reading.

#### SB 263

requiring quality service from public utilities. Without recommendation. Sen. Lamontagne for the Committee.

Sen. Lamontagne moved that SB 263 be sent to an interim study committee on Public Works and Transportation.

Sen. LAMONTAGNE: I think the most impressive thing is the testimony in reference to RSA 365:40 which already gives the Public Utility Commission more power than this bill provides. This provides a \$5,000 penalty for not complying with the commission's orders.

Adopted. Referred to interim study committee on Public Works and Transportation.

Sen. Lamontagne moved that the rules of the Senate be so far suspended as to allow introduction of committee report without proper notice and hearing in the Journal.

Adopted.

#### **SB 264**

relative to the penalty for vehicles exceeding gross weight and modifying the legal width of motor vehicles. Without recommendation. Sen. Lamontagne for the Committee.

Sen. Lamontagne moved that the words ought to pass with amendment be substituted for without recommendation.

Sen. LAMONTAGNE: The committee was unanimous in voting "ought to pass" on SB 264, an act providing for the exemption to an overall width of motor vehicle, with an amendment.

The committee has amended the bill by striking out and inserting the following: "an act providing an exemption to all over width motor vehicles." This shall take effect upon passage.

#### **AMENDMENT**

Amend the title by striking out same and inserting in place thereof the following:

#### **AN ACT**

providing exceptions to the  
over-all width of motor vehicles.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition. Amend RSA 263 by inserting after section 65-c the following new section:

263:65-d Over-all Width Defined. Over-all width shall be

exclusive of rub-rails, so-called, as currently used in the transportation of raw forest products, marker lamps, outside rear view mirrors and mud flaps. All other parts shall be subject to the provisions of RSA 263:65.

2 Effective Date. This act shall take effect upon passage.

Amendment adopted.      Ordered to third reading.

### **SB 192**

relative to licensing all roadside advertising devices. Without recommendation. Sen. Poulsen for the Committee.

Sen. Poulsen moved that the words referred to interim study committee on Public Works and Transportation be substituted for the committee report without recommendation.

Sen. POULSEN: There are three of these bills that the committee on Public Works have introduced. We are recommending that they go to study.

Adopted.      Referred to interim study committee on Public Works and Transportation.

### **SB 193**

revising the fees payable for application for permit or renewals to erect or maintain advertising devices. Without recommendation. Sen. Poulsen for the Committee.

Sen. Poulsen moved that the words referred to interim study committee on Public Works and Transportation be substituted for the words without recommendation.

Adopted.      Referred to interim study committee on Public Works and Transportation.

Sen. Poulsen moved that SB 199, providing for the removal of outdoor advertising from those areas presently zoned commercial and industrial, be taken from the table.

Adopted.

Sen. Poulsen moved that the words referred to interim study committee on Public Works and Transportation be substituted for the words without recommendation.

Adopted.      Referred to interim study committee on Public Works and Transportation.

RECESS  
OUT OF RECESS

Sen. Porter moved that SB 170, increasing the number of members of the Boundary Commission, including a commercial fisherman, and providing for a study of both Maine and the Massachusetts boundaries with New Hampshire, be taken from the table.

Adopted.

Sen. Porter moved that the words ought to pass be substituted for the words without recommendation.

Sen. FOLEY: Mr. President, this bill was co-sponsored by Senator Preston and myself in response to many requests from the commercial fishermen in our area. It provides that the Commission be made up of five people and one of them shall be a commercial fisherman.

Sen. PRESTON: If we had one fisherman as a member of the Boundary Commission last Thursday night in Derry I doubt whether we would be in the trouble that we are in today. I urge its support.

Adopted.      Ordered to third reading.

**SB 241**

permitting the sale of alcoholic beverages in certain curling clubs. Without recommendation. Sen. Downing for the Committee.

Sen. Downing moved that the words ought to pass be substituted for without recommendation.

Sen. DOWNING: This is a self explanatory bill.

Adopted.      Ordered to third reading.

**SB 243**

relative to minimum standards and other requirements for employee welfare, pensions, and profit sharing retirement funds. Without recommendation. Sen. Downing for the Committee.

Sen. Downing moved that the words referred to a joint interim study committee on Ways and Means and Banks and Insurance be substituted for the words without recommendation.



Sen. DOWNING: Mr. President, SB 243 is rather a complex bill. While it was drafted in late February we have just had a hearing on the 29th and it just doesn't do justice to the subject matter. We feel that this would be better handled in interim study.

Adopted.

### SB 256

extending the application period for licensed public accountants. Without recommendation. Sen. Downing for the Committee.

Sen. DOWNING: This just extends the deadline. It seems that there was some confusion over the licensing of public accountants and there seemed to be justifiable reason for extending the period so that all those who are eligible can have the time to register.

Adopted.      Ordered to third reading.

## RECESS

## OUT OF RECESS

### SB 257

relative to regulation of refrigeration technicians. Without recommendation. Sen. Downing for the Committee.

Sen. Downing moved that SB 257 be laid on the table.

Adopted.

### SB 183

establishing a limit on the issuance of greyhound racing licenses to within forty miles of existing greyhound tracks. Without recommendation. Sen. Downing for the Committee.

Sen. Downing moved that the words inexperience to legislate be substituted for the words without recommendation.

Sen. DOWNING: Mr. President, this does not appear to have any justification, it is strictly within the purview of the Racing Commission now and it is the feeling of the committee that they do their job until such time as they indicate that the legislature should intervene.

Sen. Brown moved that SB 183 be laid on the table.

Adopted.

**SB 92**

providing total property tax exemption for all totally disabled veterans of any branch of the armed forces. Without recommendation. Sen. Green for the Committee.

Sen. Green moved that the words ought to pass with amendment be substituted for the words without recommendation.

**AMENDMENT**

Amend the bill by striking out sections 2 and 3 and re-numbering section 4 to read 2 .

Sen. GREEN: SB 92 provides for complete exemption for real estate taxes on the homestead of a totally disabled veteran who was disabled any time while serving his country. This bill will provide for those veterans who were disabled during peace time while serving their country. This bill brings into effect total exemption for all war time and peace time connected disabilities.

Sen. LAMONTAGNE: Does this include peace time veterans?

Sen. GREEN: Yes.

Sen. FERDINANDO: Do I understand that if a totally disabled veteran lives in a \$100,000 house that he would not pay any property tax?

Sen. GREEN: I think what you are saying in terms of your example that would be true, however I can say that the possibility of a totally and permanently disabled veteran to have that type of home is a rarity.

Sen. LAMONTAGNE: If a peace time veteran got into an automobile accident and became totally disabled would he be exempt?

Sen. GREEN: No, he would not.

Amendment adopted. Ordered to third reading.

**SB 218**

relative to non-resident auctioneer licenses. Without recommendation. Sen. Downing for the Committee.

Sen. Downing moved that the words ought to pass be substituted for without recommendation.

Sen. DOWNING: This bill merely sets up a reciprocal arrangement between this state and the state of Vermont relative to auctioneer licenses.

Adopted.      Ordered to third reading.

### SUSPENSION OF RULES

Sen. Downing moved that the rules of the Senate be so far suspended as to allow for a committee report without proper notice of hearing in the Journal.

Adopted.

### SB 246

allowing persons sixty-five years of age and over a fifteen hundred dollar exemption for the interest and dividends tax. Without recommendation. Sen. Downing for the Committee.

Sen. Downing moved that the words inexpedient to legislate be substituted for the words without recommendation.

Sen. DOWNING: Mr. President, this SB 246 which was sponsored by Senator Bossie, is certainly an admirable piece of legislation. It is an area that the legislature seems to have addressed itself to quite vigorously this session. This would mean a total loss of revenue in excess of one million dollars directly to municipalities and we feel in view of the other legislation that it is inexpedient to legislate at this time.

Adopted.

### ENROLLED BILLS AMENDMENT

HB 255, an act permitting the employment in a school district of a learning disability teacher.

### AMENDMENT

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Employment of Teachers. Amend RSA 189 by inserting after section 11-a, as inserted by 1973, 170:1, the following new section:

189:11-b Learning Disability Teacher. The school board of each school

Sen. R. SMITH: Mr. President, the bill inserted a new section in RSA 189:11-A that that number had already been used by another 1973 act. So this enrolled amendment changes the number of the new section to 189:11-B.

Adopted.

Sens. Porter and Foley moved that SB 141 be made a Special Order of Business for 1:00 p.m. tomorrow, June 1.

Adopted.

Sen. Bradley moved that SB 101, establishing a public defender system for Merrimack, Cheshire and Rockingham counties, be taken from the table.

Adopted.

Sen. Bradley moved that the words ought to pass with amendment be substituted for the committee report without recommendation.

## AMENDMENT

### AN ACT

establishing a public defender system for  
Merrimack and Hillsborough counties

1 Declaration of Purpose. It is hereby declared to be the policy of the state to continue the pilot program for Merrimack County for representation of indigent defendants in criminal cases, and establish a similar pilot program for Hillsborough County.

2 In Merrimack County, notwithstanding the provisions of RSA 604-A, when the appointment of counsel is required for indigent defendants in criminal cases, the court shall appoint the Merrimack County public defender established by this Act.

3 In Hillsborough County, notwithstanding the provision of RSA 604-A, when the appointment of counsel is required for indigent defendants in criminal cases, the court shall appoint one of the three Hillsborough County public defenders established by this Act or a qualified attorney assigned by the court, the allocation of cases between the public defenders and assigned counsel to be in accordance with a plan adopted by New Hampshire Legal Assistance and a committee of three lawyers practicing in Hillsborough County to be appointed by the President of the New Hampshire Bar Association.

4 The public defender for Merrimack County, and the three public defenders for Hillsborough County, shall be the New Hampshire Legal Assistance in accordance with the terms of a contract with said organization.

5 The Comptroller, with the approval of the Governor and Council, is authorized to enter into a two-year contract with the New Hampshire Legal Assistance to establish an office of public defender in Merrimack and Hillsborough Counties, and to provide legal services for indigent defendants in criminal cases in Merrimack and Hillsborough Counties, as may be required under the provisions of RSA 604-A.

6 The compensation for legal services for indigent defendants represented by a public defender in Merrimack and Hillsborough Counties shall be such sums as may be fixed by the before-mentioned contract, and said compensation shall be a charge upon the appropriation for the payment of counsel for indigent defendants in criminal cases for the biennium ending June 30, 1975, but said sums shall not exceed sixty-five thousand dollars for the first fiscal year and seventy thousand dollars for the second fiscal year.

7 This Act shall take effect July 1, 1973 provided, however, that if the contract specified in section 4 has not been finalized by said effective date, the provisions of RSA 604-A shall be in effect in Merrimack and Hillsborough Counties until said contract has been finalized.

Sen. BRADLEY: This bill simply continues the public defender system which is already in existence in Merrimack County and would extend it into Hillsborough County. The Public Defender system is a system whereby indigent defendants are represented by a professional agency in this case the New Hampshire Legal Assistance. The bill is supported in its present amended form by New Hampshire Legal Assistance, by the Supreme Court and by the Judicial Council.

Sen. BOSSIE: Is it my understanding that by the amendment you are including Hillsborough county?

Sen. BRADLEY: That is correct.

Sen. BOSSIE: Is the appropriation part of this bill sufficient to cover this?



Sen. BRADLEY: The present amendment only extends into Hillsborough. It does not extend into Cheshire and Rockingham.

Sen. BOSSIE: Isn't it true Senator that Judge Keller recommended to our committee that it include these other two counties?

Sen. BRADLEY: No, sir that is not correct. Judge Keller appeared before our committee to oppose extending it into Rockingham and Cheshire.

Sen. JACOBSON: Is it not true that in the Hillsborough situation we have the dual system then of the Public Defender and the ancient system of indigent defendant?

Sen. BRADLEY: Yes, in Merrimack County the Public Defender defends all indigent criminal cases. In Hillsborough County it will be done only for the more serious ones as determined by the board that is provided for in this amendment.

Sen. JACOBSON: Mr. President, I want to rise in support of the committee report. This bill was sponsored by me as some of you may know I was chairman of the commission to study the public defender system and we also have the responsibility of watchdogging the Merrimack Public Defender system. And I believe that that is also part of the bill.

Amendment adopted.      Ordered to third reading.

#### COMMITTEE REPORTS CONTINUED

##### **SB 148**

relative to permits for the sale of alcoholic beverages. Without recommendation. Sen. Blaisdell for the Committee.

Sen. Blaisdell moved that SB 148 be laid on the table.

Adopted.

Recess until 7:00 p.m. tonight in Northwood.

The Senate met at 7:00 p.m. in Northwood, New Hampshire.

A quorum was present.

Welcome was given by Senate President David L. Nixon.

Pres. NIXON: Ladies and gentlemen of Northwood, Deer-

field, and surrounding areas, it is my pleasure to greet you on behalf of the New Hampshire State Senate. My name is David Nixon and I have the honor of serving as President of the New Hampshire State Senate. It is a pleasure to be here in Northwood in commemoration of the bicentennial and also in commemoration of the 190 anniversary of the New Hampshire State Senate. This program of going around to different towns was devised by Sen. Porter of Amherst and elaborated on by Sen. Robert Trowbridge of Dublin. It is our hope by doing this to give the people a chance to see what State Government is and how it operates as far as the Senate is concerned and I am pleased to see that there are members of the House here tonight. This also gives the people the opportunity to see that government is not always so serious and involved in such things as Watergate, that we do make mistakes and we try to do the best that we can to earn the \$100.00 that we get paid. That is also what the members of the House get. What you will see is a regular Senate Session except for the introductory portion thereof. We worked on about 50 bills in Concord at 11:00 a.m. and we will do about 10 or 15 more here tonight and they begin on page 137 on the yellow calendar. We will follow the same procedures that we do in Concord but you will probably notice that we will be a little more polite to each other than perhaps we are back in our own home.

Having said that it is now my honor to turn over the gavel of this meeting, and with that the governing of this meeting to the distinguished Sen. William E. Sanborn, from the 17th district and the town of Deerfield where he has already made a name for himself. He is a man of dependability, a man of integrity, and a man that does his own thing and can influence others in the right direction. You know him as well as I do so I will not elaborate on his career in detail. I will say this, I did not know Bill Sanborn when he came to the Senate and he was not known to the rest of us. He has come to be a friend and certainly a distinguished and able representative of the people that he represents and we are very proud to have him with us, the honorable Sen. Bill Sanborn.

Sen. SANBORN: Thank you, Mr. President.

Prayer was given by Rev. Richard B. Haines.

Posting of colors by Hoague Batchelder Post American Legion.

Pledge of Allegiance.

Sen. SANBORN: I would now like to introduce Robert Johnson the Chairman of the Board of Trustees for Coe-Brown Academy and a man who has been the moderator here in Northwood for over thirty odd years.

ROBERT JOHNSON: Mr. President, members of the Senate and particularly our Sen. Bill Sanborn. On behalf of my colleagues on the board I want to welcome you here to Northwood here tonight.

Sen. SANBORN: I would now like to introduce George Linscott, the chairman of the Bicentennial Committee.

GEORGE LINSOTT: Mr. President, members of the New Hampshire State Senate, I welcome you here on behalf of the Bicentennial Committee. I also welcome all of the guests that we have with us here tonight. I think it is a great honor that we have been honored this bicentennial year with your meeting here with a Senate session. Welcome.

Sen. SANBORN: I would now like to introduce True Chesley of the Northwood Board of Selectmen.

MR. CHESLEY: Mr. President, members of the Senate, ladies and gentlemen: It is a pleasure for me as chairman of the Board of Selectmen to welcome this distinguished group here this evening. I know that it will be an experience for many of us to see the action that you people will show us here tonight. We are privileged to have you here and I know that we are going to enjoy the evening and I will not say anything further than to welcome you and I hope you enjoy it here and I hope if possible that you will come back again in the future. Thank you.

Sen. SANBORN: Since I come from Deerfield, I asked the Chairman of the Board of Selectmen to come here tonight, Roger King.

MR. KING: Mr. President, members of the New Hampshire State Senate: I would like to join with the Chairman of the Northwood Board of Selectmen in bidding you welcome here tonight.

Sen. SANBORN: I would now like to introduce Senator

Jacobson, who will give you the history of the New Hampshire State Senate.

Historic review prepared by Legislative Historian  
Leon W. Anderson, and presented by Senator Jacobson.

This is a first legislative session ever held in Northwood, and it's being hosted by Senator William E. Sanborn of nearby Deerfield, long one of that town's leading citizens, as Northwood observes its Bicentennial.

This State Senate visit is in observance of its 190th anniversary, and the 350th anniversary of New Hampshire's 1623 settlement. Similar weekly meetings have been held through the state in the past three months. A final "Home-Town" session will be televised over Durham's Channel 11 next Thursday evening.

Sen. Sanborn is Deerfield's first Senate member since 1927. Sitting in that session was Wilbur H. White, 56-year-old electrician and insurance agent, and school board treasurer for 14 years.

Interestingly, Republican Senator Sanborn's great-grandfather, Dr. George W. Towle of Deerfield, served as a Democratic Senator in the 1881 session!

Deerfield, settled in 1766, has had only four other State Senators since this upper branch of the Legislature was created in 1783. Richard Jenness served three one-year terms in 1803-05-08. Serving two annual terms each were Jacob Freeze 1829-30, Benjamin Jenness 1837-38, and Joseph J. Dearborn 1865-66.

This Senate visit to Northwood is also in tribute to Albert Oscar Brown, the town's greatest benefactor. Exactly 99 years ago, he graduated from this institution in which this meeting is being held, went on to become wealthy, and then willed his fortune to permanent support of what is now Coe-Brown Academy.

Albert O. Brown became a noted lawyer and Manchester industrialist, who served as President of the 1918 state Constitutional Convention and became Governor of New Hampshire state's public schools system.

Deerfield, home of one of the state's most beloved fall agri-

cultural fairs, also has produced men of historic proportions. Major John Simpson of Deerfield won immortal repute by firing the first freedom shot at Bunker Hill. Major General Benjamin Franklin Butler, who was removed from Civil War command of New Orleans for harsh treatment of its civilians, and later became a Governor and Congressman in Massachusetts, was also a Deerfield native.

Governor Brown's portrait was presented to the state by a Manchester bank last fall and General Butler's portrait has been hanging in the State House for some 85 years.

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Introduction of Senators by Sen. Sanborn.

Sen. SANBORN: We also have some representatives here with us tonight, Rep. Roger King from this district, Rep. John Stimmell from Northwood, Rep. Bob Erler from Raymond, and Rep. Cummings from Danville, I believe. We also have some of the Senate wives here tonight, I would like all the Senate wives to please rise.

#### HOUSE CONCURRENCE ON COMMITTEE OF CONFERENCE

HB 565, requiring only motor vehicle accidents where damages are two hundred dollars or above to be reported.

#### COMMITTEE REPORTS

##### SB 244

to reorganize the present fire service training program. Without recommendation. Sen. Jackson for the Committee.

Sen. Jacobson moved that the words ought to pass be substituted for the words without recommendation.

Sen. JACOBSON: Mr. President, this bill reorganizes the present Fire Service Training Program. It establishes a 12 member commission which incorporates the present nine members on the advisory committee. The Commission will have the responsibility for suggesting and developing programs and courses which will develop minimal training standards for all fire fighters. This bill also provides that the Department of Education via the vocational-technical institute will provide educational programs so as to meet these minimum standards for fire



fighters. The committee has elected the Department of Education and they are ready to accept this responsibility. I believe they are doing it in an admirable way already. The committee recommends that the bill ought to pass.

Sen. FERDINANDO: I like this bill for two reasons, one because of what Sen. Jacobson said and secondly because it is Sen. Sanborn's bill and if it is Sen. Sanborn's bill it is a good bill and I think that we ought to vote for it.

Adopted.      Ordered to third reading.

### SB 119

providing for a five year term of office for the commissioner of Employment Security. Without recommendation. Sen. Jacobson for the Committee.

Sen. Jacobson moved that the words inexpedient to legislate be substituted for the words without recommendation.

Sen. JACOBSON: The intention of SB 119 is to place a limitation on the Commissioner of the Department of Employment Security to limit his office to a five year term. This office is what we call a life tenure term, that is, as long as he behaves himself and performs efficiently and effectively, he shall continue to hold office.

The testimony offered did not indicate that there had been any failure of that responsibility, so the committee felt that there was no reason to change the present situation.

Sen. Lamontagne moved that SB 119 be indefinitely postponed.

Sen. LAMONTAGNE: Mr. President, the reason why I make this motion is because I feel that we have others that have a lifetime appointment and therefore, I do not think we should consider this bill and I do not think that it is fair and that is the reason why I am asking for indefinite postponement.

Sen. S. SMITH: Could you tell us what other department heads have a lifetime term of office?

Sen. LAMONTAGNE: Superior Court judges.

Sen. S. SMITH: Are these department heads first, and secondly aren't they limited by age, the age of 70?

Sen. LAMONTAGNE: They are limited at the age of 70 but they still are appointed.

Sen. TROWBRIDGE: Mr. President, being one of the three sponsors of this bill, I would like to point out why everyone should be opposed to the motion for indefinite postponement. I noted that Sen. Jacobson said that the Department of Employment Security's Director has done nothing wrong and therefore we do not need this bill. I think that it is significant to note that of all of the Departments the Department of Employment Security is the only one which neither has a term of tenure or a Board or Commission to whom he reports. In other words, the Director of the State Prison does not have a term, but he reports and is managed by and can be removed by a Board of Trustees whereas the Director of Employment Security has no limitation whatsoever. We don't have anything against Commissioner Adams but we do think it is wrong to have a sensitive post like that with absolutely no restraints whatsoever, on a person's longevity. In 1939 the position was put in with a life tenure to keep Employment Security out of politics. I think that at that time there was great unrest and perhaps that was the reason at that time, but I don't think that it is a reason any longer. Secondly, within the next five years Mr. Adams is planning to retire or he will at least come to the retirement age so this bill will not hurt Mr. Adams in the slightest. Therefore, I think that it is time to get up and say that any department, whether it be the Governor or anyone else should come up for review every five years and that is why the bill was put in and I hope you will vote down the motion to indefinitely postpone and go on and pass this bill.

Sen. BRADLEY: It is my impression that there are certain federal statutes that we have to comply with and laws in the Department of Employment Security, is there any federal statute that governs the term of the director of this department?

Sen. TROWBRIDGE: No, and there is no statute that says that he must have a lifetime tenure either, there is no federal requirement in any way.

Sen. NIXON: Mr. President, members of the Senate, I rise in opposition to the pending motion to indefinitely postpone, which means that it would kill this bill, and I rise in support of this bill. Obviously I do not rise for the reasons previously

explained. The distinguished individual that now serves as Director of Employment Security has indicated that he will retire within the purview of the term set forth in any event and it would be ridiculous for the Senate to be passing a bill tonight to end his term when we just honored him with a certificate of commendation just one week ago.

I think that we ought to have in mind that nowhere in the frame of government that any department head enjoys immunity from a fixed term of office and subject to reappointment or nomination by Governor and Council and no one that isn't supervised by a board or an advisory commission or something of that nature. There was a distinction made that Sen. Sanborn said, in 1793 with respect to judges. The feeling was apparently that our forefathers felt that they were so far removed from the political stress and strain that they were constitutionally protected and it is only they that are constitutionally protected and words such as article 35, "it is the right of every citizen to be tried by judges as impartial as the law of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that judges of the supreme judicial court shall hold their offices so long as they behave well; subject however, to such limitations, on account of age, as may be provided by the constitution of the State; and that they should have honorable salaries ascertained and established by standing laws." We have a constitutional basis for the life tenure in the case of judges which does not exist for any other employee or official of the state of New Hampshire whether it be a State Senator or the Commissioner of Employment Security and I think that we have a bad principle invented in our law to provide that no matter who the Commissioner is, once he is appointed he is in there for life. We are fortunate with our present Commissioner as being well versed in terms of local government and state government and in fairness so that it is no problem but in the future we know not what and I think that there is no reason why this position should be exempt from the normal reappointment term, which in this case is five years, so I ask you all to reconsider this bill and oppose the pending motion to kill it.

Sen. BROWN: Mr. President, I rise in support of the motion. There are many people, in fact I don't know of anyone that thinks Commissioner Adams has not done a fine job. He has been fair and impartial to all of the cases that have come before

him and it is true that he does intend to retire and whenever that time may be I think it would be ample time to set the term of office at that time and I don't believe that this is the time now.

Sen. DOWNING: A couple of the previous speakers have alluded to the possibility Mr. Adams is retiring. How old is he and what is the retirement age and what plans of retiring does he have if you know?

Sen. BROWN: I don't believe that there is a retirement age and to the best of my knowledge Mr. Adams is in the area of 56 or 57.

Sen. DOWNING: Sen. Nixon, I will ask you pretty much the same question. What is Mr. Adams' present position relative to retiring and what are his intentions and so on?

Sen. NIXON: First of all he is 56 and in the prime of life and I think that every Senator will agree to that. I think the testimony before the committee was that he intended to retire within the five year term as specified and if I am wrong I would like to be corrected.

Sen. DOWNING: Senator Jacobson, I understand that Commissioner Adams testified before your committee that he intends to retire within the five year period. Did he testify in support or in opposition to the bill?

Sen. JACOBSON: I don't believe he made any significant testimony except to indicate that he felt that there were other positions that were not subject to tenure and if he mentioned retirement, I don't recall retirement.

Sen. DOWNING: There seems to be some question as to how we might act on this bill as to whether it will affect the present Commissioner, how do you personally feel that it will effect at all the present Commissioner if we were to act, say, positively on this bill, and defeat the pending motion?

Sen. JACOBSON: I would say that if I were in that position and they were limiting the term, I would feel in some way that they were trying to develop a notion that I needed my term limited. I think the time for any change should come when it is clear that he is going to retire. I think it would give him conjecture at this time.

Sen. DOWNING: Senator, did the committee give any



consideration on making the bill effective upon the completion of the term of office or tenure of the present Commissioner?

Sen. JACOBSON: That matter was discussed but at the moment we felt that there were a good number of years for Commissioner Adams and that there would be two or three sessions of the legislature before that time would become apparent.

Sen. NIXON: Senator Jacobson, you said that the testimony alluded reference to the fact that there were several other department heads or agency heads that had life tenure in New Hampshire State Government?

Sen. JACOBSON: Yes, a tenure that is not limited to any number of years.

Sen. NIXON: Would you specify them for me?

Sen. JACOBSON: Yes, the Commissioner of Education, Deputy Commissioner of Education, Director of Fish and Game, Adjutant General, Warden of State Prison, Personnel Director, Executive Director of Water Supply and Pollution Control, Assistant Supervisor for Professional Services, Director of Clinical Services, Director of Out-patient Services, Director of Correctional Psychiatry, Director of Psychiatric Education and Research, Director of Accounts, Director of Purchase and Property, Business Supervisor, Director of the Division of Records Management and Archives, Superintendent of the Industrial School, Director of Probation, Superintendent of N. H. Home for the Elderly, Commission Assistant, State Tax Commission, Director of Municipal Accounts, Director of the Division of Inheritance Tax, Director of Miscellaneous Tax, Deputy Director Tax Commission, Director Division of Interest and Dividends, Director of the N. H. Aeronautics Commission, State Veterinarian, Superintendent of Laconia State School, Director of Merchandising and Accounts, the Liquor Commission, Deputy Commissioner, Public Works and Highways, Assistant Commissioner, Public Works and Highways, State Fire Marshal and the Commandment of the Soldiers' Home.

Sen. NIXON: Is it not true sir that in every single office or title that you just specified that there is an advisory board or board of trustees or some type of supervisory authority over them to supervise the work on a day to day basis?

Sen. JACOBSON: I don't believe it is on a day to day basis, it may be supervision over certain policy decisions.



Sen. NIXON: Do you acknowledge the truth of the fact that each one of these offices that you have mentioned do have a supervisory board or a board of trustees or an advisory commission of some kind?

Sen. JACOBSON: I can't answer that to every one, I don't know everyone of them. I can say that the Commissioner of Education does have a board that meets to make policy decisions and they do not supervise the work on a day to day basis as far as I know.

Sen. NIXON: Have you named officials on your list who do not have a board or commission of some kind who does supervise authority whether it be on a day to day basis over the performance of his duties?

Sen. JACOBSON: I don't understand your question.

Sen. NIXON: I turned it around the other way. I said was there anyone on that list that you read that to your knowledge does not have a supervisory commission or something of that nature in a supervisory capacity as to the performance of their duties?

Sen. JACOBSON: I don't believe that any of them are in a supervisory capacity. I don't believe that the Fish and Game are in a supervisory capacity, but only on certain policy matters, I don't believe that it is on a day to day basis. I don't think that there is anyone that tells the Director of Fish and Game what to do.

Sen. NIXON: Are you one of the fellows that gets up and says I am not a lawyer but, many times?

Sen. SPANOS: Mr. President, I rise in support of the motion offered by Sen. Lamontagne. I must admit that I have no great feeling one way or the other insofar as the issue of Commissioner Adam's tenure or not. I must admit that several years ago there was an effort, a personal effort by certain members of the legislature, I do not subscribe that the current sponsor of this bill, but there was a "get Ben Adams" movement several years ago. I did not support it then and I don't think that this is the case now. What I would like to comment on is this. There isn't any question in my mind that we did put the Judiciary on a lifetime tenure based on the fact that we wanted to eliminate the possibility of the courts becoming involved in politics and I

think that the judiciary system has done well to keep out of politics. If I understood Sen. Trowbridge correctly, he indicated that the main reason why the Department of Employment Security, the Director was put on life tenure, was based on the fact to keep the Department of Employment Security and the Commissioner out of politics. What I am trying to say is that they both have avoided that situation and maybe it is about time that we begin thinking in terms of our constitutional forefathers who indicated that the judiciary should be on a life term to avoid political ramifications and political problems that may arise and maybe we should reorient our thoughts towards having the department heads have a situation of life tenure because I can assure there is more difficulty with the department heads currently and the existing situation through this administration and the administration before that where political problems and political ramifications actually deter, minimize the ability and what I am trying to say to you is that if this is the only one, maybe we ought to start reorganizing and thinking towards making other department heads on the same philosophy and this is the reason why I support the motion to indefinitely postpone.

Sen. S. SMITH: Mr. President, I rise in opposition to the pending motion. I am not very fast, I couldn't follow all of the names that were read off by Sen. Jacobson but as I attempted to I did see that there was accountability somewhere along the line in each one of those positions. Within the present office which we are considering the Commissioner of Employment Security, I see no accountability to any one, even a board or to Governor and Council. It seems to be that accountability and responsibility to the political process are important factors in this area.

Sen. Nixon moved the previous question.

Adopted.

Roll call was requested by Senator Gardner, seconded by Senator Lamontagne.

Yeas: Sens. Lamontagne, Poulsen, Gardner, Jacobson, Spanos, Blaisdell, McLaughlin, Ferdinando, Provost, Brown, Bossie, Johnson, Downing, Preston, and Foley.

Nays: S. Smith, Bradley, Green, Nixon, Trowbridge, Porter, and R. Smith.

Result Yeas, 15; Nays, 7.

Motion adopted.

**SB 125**

making an appropriation for the expansion of the state park system. Inexpedient to legislate. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, SB 125 was a bill that authorizes a 5 million dollar bond issue for the expansion of the State Parks System. When we asked the Commissioner of DRED, Mr. Gilman, as to what projects he actually wanted to do, the breakdown came in such a way that showed us that many of these projects were the ones that were already covered in the capital budget of the state. Normally we do not give a ten year carte blanche to the department of DRED to build roads or other facilities and parks. Ten years ago we did it because they were mostly used primarily to acquire land which takes a long four or five year process to acquire land and therefore, we did not think that we should have a bond issue in this case and we felt that it would be better to take the requirements of the Department of Resources as they come and fund them in the budget where they belong and not bond ourselves to another 5 million dollars at this time.

Sen. BLAISDELL: Mr. President, I wish to be recorded as voting against SB 225.

Adopted.

**SB 137**

establishing a State Historic Preservation Office, and making an appropriation therefor. Ought to pass with amendment.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after RSA 227-B the following new chapter:

Chapter 227-C

State Historic Preservation Office

227-C:1 Purpose. The legislature of New Hampshire has

determined that the historical, archeological, architectural, and cultural heritage of New Hampshire is among the most important environmental assets of the state and that the rapid social and economic development of contemporary society threatens the remaining vestiges of this heritage; therefore, it is hereby declared to be public policy and in the public interest of this state to engage in a comprehensive program of historic preservation to promote the use and conservation of such property for the education, inspiration, pleasure, and enrichment of the citizens of New Hampshire.

227-C:2 Definitions. As used in this chapter the following words and terms shall have the following meanings unless a contrary meaning shall appear in the context:

I. "Historic property" shall mean any building, structure, object, district, area, or site that is significant in the history, architecture, archeology, or culture of this state, its communities or the nation.

II. "Historic preservation" shall mean the research, excavation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archeology, or culture of this state, its communities or the nation.

III. "Office" shall mean the state historic preservation office, department of resources and economic development.

IV. "Board" shall mean the state historic preservation board.

V. "State historic preservation officer" shall mean the commissioner of the department of resources and economic development.

227-C:3 Establishment of State Historic Preservation Office. There is hereby established within the department of resources and economic development a state historic preservation office.

227-C:4 Administration.

I. The director of the office shall be a classified state employee appointed by the commissioner of the department of resources and economic development. The director shall be selected on the basis of professional competence and shall re-

ceive compensation commensurate with salaries in the other New England States as determined by the state department of personnel.

II. The director, subject to the direction of the commissioner of resources and economic development, shall conduct any relations with the representatives of the federal government and the respective states with regard to matters of historic preservation.

227-C:5 Powers and Duties of the State Historic Preservation Office. The state historic preservation office shall have the following powers and duties to be carried out at the direction of the state historic preservation officer, including but not limited to:

I. Undertake a statewide survey to identify and document historic properties, including all those owned by the state, its agencies and political subdivisions.

II. Prepare the state's historic preservation plan and review that plan annually and revise it accordingly.

III. Undertake the procedures necessary to qualify the state for participation in sources of federal aid for historic preservation purposes and disburse such aid as is available.

IV. Provide information on historic properties within the state to the agencies of the federal, state, regional, and local government and, where appropriate, to private individuals and organizations.

V. Cooperate with federal, state, regional, and local government agencies in the planning and conduct of specific undertakings affecting historic properties and preservation objectives and in overall land-use planning.

VI. Coordinate the activities of regional and local government agencies in accordance with the state plan and programs for historic preservation.

VII. Provide technical and financial assistance to regional and local government agencies and private individuals and organizations involved in historic preservation activities.

VIII. Stimulate public interest in historic preservation in cooperation with other state, regional, and local agencies and with other private individuals and organizations.



IX. Develop an on-going program of historical, architectural, and archeological research and development to include continuing surveys, excavation, scientific recording, interpretation and publication of the state's historical, architectural, archeological, and cultural resources. A reasonable charge may be made for publications.

227-C:6 Establishment of a Historic Preservation Board. There is hereby established a state historic preservation board. The membership of the board shall consist of the governor, or his designee, ex-officio; the director of the state historic preservation office, ex-officio; and seven members of the public, appointed by the governor and council, at least three of whom shall be qualified in the fields of architecture, history, and archeology; and the others shall be qualified in other fields including but not limited to law, real estate, planning, architectural history, and historic preservation. Provided, however, the six incumbents of the New Hampshire review board for historic preservation shall be six of the initial appointees to the historic preservation board, and thereupon, their terms on said New Hampshire review board for historic preservation shall be terminated and the board abolished. The public members shall serve a term of five years; however, on the initial appointment, one shall be appointed for two years, two appointed for three years, two appointed for four years, and one appointed for five years. Each shall serve until his successor is appointed and qualified. Any vacancy shall be filled for the unexpired term.

227-C:7 Powers and Duties of the Board. The Board shall have the power and duty to:

I. Approve nominations to the national register of historic places.

II. Review and recommend the approval of the state survey of historic properties undertaken in accordance with the provisions of this chapter.

III. Review and approve the content of the state historic preservation plan developed pursuant to the provisions of this chapter.

IV. Review and recommend application by the office for federal and other available funds.

V. Review and recommend the removal of properties from the national register.

VI. Otherwise act in an advisory capacity to the state historic preservation office and the state historic preservation officer.

227-C:8 Organization. The board shall elect a chairman and vice-chairman and establish such rules of procedure as it deems necessary.

227-C:9 Board's Expenses. All members of the board shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the board.

2 Appropriation. There is hereby appropriated the sum of thirty-two thousand dollars for the fiscal year ending June 30, 1974; and a like sum for fiscal year ending June 30, 1975, to be expended for the employment of a director of the state historic preservation office and the administration of same. The governor is authorized to draw his warrant for the said sums on any funds in the treasury not otherwise appropriated. These appropriations shall be reduced to the extent of applicable available federal funds.

3 Effective Date. This act shall take effect on July 1, 1973.

Sen. TROWBRIDGE: Mr. President, SB 137 came to us with an appropriation of \$32,000 which is half State General Funds and half Federal Funds provided by the National Historic Restoration Act. At the present time we have almost everything in motion that is in SB 137 except we don't have the law to make it go. Commissioner Gilman is holding some \$170,000 preservation funds which are readily available and he is holding them in escrow because he doesn't think that he has the statutory authority to disperse them to the various historical sites which have been already approved. SB 137 has an amendment with an extra benefit of pooling into one place all of the historical preservation group so that all are going to be in one committee instead of having three so this still seems to satisfy everyone including Commissioner Gilman and he can now get the money out to where it was intended to go.

Amendment adopted.      Ordered to third reading.

SJR 21

relative to retirement credit for Lawrence E. Marchand,

employee of the city of Berlin. Ought to pass. Sen. S. Smith for the committee.

Sen. S. SMITH: Mr. President, this bill allows Lawrence E. Marchand, an employee of the City of Berlin to apply into the retirement system from which he was in up until November of 1954 and then out in 1961. This lets him buy his way back in.

Sen. LAMONTAGNE: Mr. President, I rise in support of the committee report. At the same time, Senator Trowbridge, I have found out that the \$1,570.31 does include the 4% interest.

Adopted.      Ordered to third reading.

#### SB 181

relative to participation in a New England power pool. Ought to pass with amendment. Sen. S. Smith for the Committee.

#### AMENDMENT

Amend RSA 374-A:7, I as inserted by section 1 of the bill by striking out in lines eight through twenty the words "All electric pool facilities, real and personal, situated within the state of any municipal utility, and within its corporate limits, shall be exempt from taxation; but in lieu thereof, said municipal utility shall on or before December first of each year pay to the taxing authority or authorities that would have jurisdiction if such facilities were owned by a corporation so defined as a "public utility" the amount which would be assessable thereon if such facilities were the property of a corporation so defined as a "public utility". Such taxing authorities shall determine the assessment and taxation that would be determined if the property were owned by a corporation so defined as a "public utility" and certify such to the municipal utility. Such utility, if aggrieved by such determination, may within six months after such certification appeal the assessment and taxation to the state tax commission." so that said paragraph as amended shall read as follows:

I. All electric pool facilities, real and personal, situated within the state of any domestic electric utility other than a municipal utility, all such facilities of a municipal utility situated within the state but without its corporate limits, and all such facilities situated within the state of any foreign electric

utility shall be subject to assessment and taxation in the same manner and to the same extent as is provided by law with respect to such property of a corporation defined as a "public utility" in RSA 362:2.

Amend RSA 374-A:8 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

374-A:8 Regulation of Domestic Electric Utilities.

I. Except as otherwise expressly provided in this chapter, a domestic electric utility shall not be exempt from nor lose the benefits of any applicable laws of the state solely by reason of being a member of the New England power pool.

II.

(a) Notwithstanding the exception for municipal corporations operating within their corporate limits provided in RSA 362:2, any municipal utility which acquires or is acquiring or has any interest in an electric pool facility located within its corporate limits or elsewhere shall, with respect to such facility so long as it retains such interest therein, be considered a "public utility" for all purposes of RSA Title XXXIV and a corporation to which the provisions of RSA 254 shall be applicable; provided, however, that nothing in this section shall be deemed to affect either such municipal utility's exemption from public utility status while operating within its corporate limits or such municipal utility's status as a public utility while operating outside its corporate limits, except in either case with respect to its interest in such facility; and provided, further, that the following requirements of RSA Title XXXIV shall be applicable only to the extent, if any, hereinafter specified:

(1) The provisions of RSA 367, 368, 372, 373, 375, 375-A, 375-B, 376, 377, 379, 380, 381, and 382 and all sections in RSA Title XXXIV relating solely to public utilities other than electric utilities shall not apply to any such municipal utility;

(2) The provisions of RSA 363-A and 364 and the provisions of RSA 366:8, 369:8, 369:14-16, 374:12, and 374:32 shall not apply to any such municipal utility;

(3) The provisions of RSA 371 shall be applicable to a municipal utility only with respect to those facilities constituting electric pool facilities;



(4) The provisions of RSA 378 shall apply only to rates, prices and charges made by any such municipal utility for sales of electricity other than to the ultimate consumer thereof; and

(5) RSA 254 to the extent not now applicable to a municipal utility shall be applicable to such a utility only with respect to those facilities constituting electric pool facilities.

(b) In construing all sections of RSA Title XXXIV where reference is made to officers or directors of a public utility, such provisions shall, where applicable to any municipal utility by virtue of the provisions of paragraph II, (1) of this section, be deemed to include the municipal officers or members of the board of commissioners in whom the management of such municipal utility is vested.

(c) Notwithstanding any other provision of law, any municipal charter, or any ordinance or by-law adopted thereunder, competitive bidding shall not be required in connection with the purchase of equipment, supplies or materials required for the construction or operation of electric pool facilities.

III. Legislative consent is hereby given to the application to any domestic electric utility which is acting without the state, pursuant to authority granted in this chapter, of regulatory and other laws of other states and of the United States.

IV. In addition to ownership, sole or joint in electric pool facilities, the commission shall include in the rate base of a domestic electric utility any investments, including securities, prepayments or other investments, acquired by it in connection with its participation in an electric pool facility within or without the state.

Amend the bill by striking out all after section 4 and inserting in place thereof the following:

5 Effective Date. This act shall take effect sixty days after its passage.

Sen. S. SMITH: Mr. President, SB 181 is relative to the participation in the New England Power Pool. All of the New England states are presently considering adopting a similar law which will allow the companies and municipal power companies or private and municipal companies to invest their funds in the construction of the large nuclear power plants



which are being constructed around the New England area. It is more feasible for the various companies to own a portion of these plants as they go on line. This bill in effect allows these companies to buy out of state participation in these plants and also allows foreign corporations that is, corporations out of the state of New Hampshire to buy into the nuclear power plants that might be built in this state. The bill also allows the municipal companies to come into the system and buy into these power pools. The problem and this is what the amendment deals with, it is taking away some of the restrictions that were placed on the municipalities when they became part of the pool. In other states, particularly in Massachusetts this becomes an important factor, but in New Hampshire however, there are only five very small municipal power operations in the Towns of Littleton, Haverhill, New Hampton, Wolfeboro, and Ashland and it is absolutely unrealistic at any time for these companies to buy into the nuclear power pools. This would not hurt the municipalities and it would be an advantage to the larger companies in the state, being able to do this. We ought to look favorably upon this piece of legislation.

Sen. PRESTON: I don't see the word nuclear mentioned in here, that was what you mentioned?

Sen. S. SMITH: I don't think that it is necessary, the basic intent was for the construction of nuclear power plants.

Sen. PRESTON: We would be in no way voting to endorse nuclear power plants and I am particularly intrigued, on page 3 just for the record Sen. Smith, if we vote for this bill as presented according to this document we would "thereby insure lower over-all cost of power within the state", I am on page three about half way down.

Sen. S. SMITH: This is certainly the hope under a development and planning of such installations.

Sen. PRESTON: It says the word insure, I don't see the word hope.

Sen. S. SMITH: I would say hope.

Sen. POULSEN: Mr. President, the Town of Littleton has three power companies, New England, Public Service and Municipal and because of that I certainly hope we pass this bill and

it is complex and I have checked with the people to find out about it and I recommend it.

Sen. SANBORN: There are a couple of people that we inadvertently missed, I see Jim Wayne, the Chairman of the Republican Committee in Rockingham and Dave Goslin, the State Chairman.

(Senator Nixon in the Chair)

Amendment adopted.      Ordered to third reading.

Sen. Bossie moved that we take SB 231 from the table.

Adopted.

Sen. BOSSIE: Mr. President, I will defer to Sen. Jacobson because you heard my views this afternoon in the Senate Chambers and I still feel that it is a good bill and for the benefit of the audience, this bill which specifies certain procedures for the termination of gas and electric services within the state of New Hampshire. As it is now, these utilities that are regulated by the state, they may terminate these utilities at their own leisure and at their own discretion without the right of appeal and it is the individuals who do not feel that they have been fairly treated who have had their utilities turned off, the right to appeal to the Public Utilities Commission, one of their agents over there, and I do feel that it is a good bill and I don't believe that it will be very costly at all for the utility companies.

Sen. JACOBSON: Mr. President, I rise in support of the motion ought to pass. Sen. Bossie has given the full details and there is no need to reiterate them. But simply to say that I think that this is the kind of bill that is in the interests of the consumer and especially in the interests of the consumer as it relates to what I call the basic necessities in modern day life. We are all faced occasionally with certain problems and stresses and yet we need certain kinds of basic services so that what this bill essentially does is eliminate any kind of arbitrary cutoff and allows the individual to have a hearing before any final decision to cut off his basic necessity of life is initiated.

Sen. Green moved that SB 231 be referred to Senate Judiciary committee for interim study.

Sen. GREEN: This afternoon we had a bit of debate on this bill and there was concern by other Senators that this in

essence needed to be looked at and there was concern on a couple of points. One, the real concern of the cost to the service companies and the certain amounts of money that will be carried by those people who pay their service bills. Secondly, there was concern that this particular process would be procedures that would be designated here and there is a question as to whether this really is necessary and I would like the opportunity to have the Judiciary Committee have a real opportunity to look into the matter.

Division; Yeas, 6; Nays, 14.

Motion lost.

Adopted.      Ordered to third reading.

### **SJR 18**

making an appropriation for purchase by the state of gasoline storage tanks and pumps. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this bill has been studied in the Finance Committee and it appears that everyone knows that we are having a fuel shortage and in the past whenever a new contract was left for gasoline in the state of New Hampshire the person that got the contract had to purchase from the preceding company all of the tanks and the pumps gathered throughout the state. We have been fortunate in getting the supply of gasoline for this state for this year and we feel that putting the \$38,000 out for the purchase of the storage tanks and pumps that are owned by Texaco Inc., and it is felt that in the future that this will facilitate getting gasoline contracts for the state and the recommendation is that we appropriate the sum of \$38,000 to purchase these storage tanks and pumps throughout the state. The state garage has been contacted and they will take over the maintenance of these various pumps. I believe there are 50 odd different installations throughout the state.

Sen. BRADLEY: As someone often says in the Senate, I am just a green country boy and maybe you are too, but is it usual for the Senate to specify who we are going to purchase something from and the authority to appropriate for such an expenditure?

Sen. SANBORN: Well, Senator, I would say that I am not sure whether you are a green country boy because you do have

streetlights in your area. I am not sure whether it is usual for us to specify, however, the people that we had the last contract with and laid out the money for these tanks and pumps was Texaco Inc., and therefore to keep them in the ground and did not have to go out and buy new ones we would have to purchase them from Texaco. They are the ones that own them.

Sen. LAMONTAGNE: Senator Sanborn, could you tell me how many years these tanks have been underground?

Sen. SANBORN: They have been there for a number of years and nobody seems to know because no record was kept for any one tank in any one place. Some of these tanks and pumps go back in time and I understand that one of them is an old hand powered pump.

Sen. LAMONTAGNE: Do you feel that after all of these years that these tanks, that we are to find out how many years they have left before we purchase these tanks?

Sen. SANBORN: Well Senator, if we start worrying and looking into these tanks we may end up with the entire fleet of state trucks and all of the state vehicles — the State Police being parked beside the road with no gas.

Sen. LAMONTAGNE: Mr. President, members of the Senate, I personally feel that many of these tanks have been underground for many years and nobody knows how many years of use they have left and I don't think that the state of New Hampshire should invest in something that may be replaced shortly. Now these tanks have always been put in by the gasoline companies and the companies have been putting in these tanks at their expense and at any time, whether it is the local municipalities or whether it is the state of New Hampshire the policy has always been, as far as I know, that the companies who have the lowest bids purchase the tanks from the company that owns them. Therefore, I just question whether there is enough use to pay off the amount for these tanks and if the tanks are as old as Senator Sanborn says I don't see why the state should purchase these tanks and I think we ought to buy new ones.

Sen. S. SMITH: Are you aware that as far as the gasoline business of the state, that we are now in the sellers market and not the buyers market?



Sen. LAMONTAGNE: I am well aware of that and of the rumors of the shortage of gas but I don't believe it.

Sen. S. SMITH: Are you aware that the bids went out this year for the contract of the purchase of gas, and only after the second offer there was only one bid presented?

Sen. LAMONTAGNE: That is possible because the state of New Hampshire has been getting their gas through lower bids.

Sen. S. SMITH: Don't you think Senator, that if we are dealing with another company now, that they would have to put all their tanks in and due to the fact that there was only one bid if we don't do this that we might be out of luck?

Sen. LAMONTAGNE: Let me say this, as far as I am concerned and I have experience in this field, and this still doesn't stop you from finding out whether you will get enough use and whether it is worthwhile in purchasing these tanks and pumps and maybe we should purchase new tanks and pumps because maybe it would be a lot cheaper than these tanks that are already underground and they have been there many years and as Sen. Sanborn said one of the pumps is very, very old and how many others are old?

Sen. TROWBRIDGE: I would just like to reply to Sen. Lamontagne's question as to how we arrived at the figure of \$32,000.00 which is really what we are saying, whether it is worth it. It should be noted that the previous company kept these on their books and this is at the depreciated price of \$38,000.00 and it has been agreed upon as the depreciated cost or value of the tanks in the ground so these things have been kept track of and they were probably \$175,000.00 to \$200,000.00 when they were new. That has been taken into consideration and I would hate to think that anyone would think that Senate Finance would approve the purchase of old tanks that weren't worth \$38,000.00. That has been answered.

Adopted.      Ordered to third reading.

#### SB 265

relative to witness fees for law enforcement officials. Without recommendation. Sen. Bradley for the Committee.

Sen. Bradley moved that the words ought to pass be substituted for the words without recommendation.



Sen. BRADLEY: Mr. President, this bill corrects an unfair situation which we have when we require law enforcement officers to appear in court on one of their days off. The present law is such a law that enforcement officers are paid only \$5.00 as a witness fee no matter how long he may have to be there during that day and this is rather unfair to require someone to spend all day of his day off for the sum of \$5.00. This bill would change that situation by saying that law enforcement officers that are required in court on their day off would be paid their regular hourly rate of pay for the number of hours that are required in the court.

Sen. BOSSIE: Under this bill would they be paid their salaries on a pro-rated basis?

Sen. BRADLEY: It is my understanding that it would be a witness fee taken out of the court fees.

Sen. BOSSIE: In the city of Manchester that I represent we have a city ordinance that provides that any law enforcement officer who is off duty and testifies at any hearing before a court, county, or municipality gets paid the fee of \$10.00 in addition to the \$5.00 that he gets from the state. Now wouldn't this in effect be invalidating that city ordinance, wouldn't he in fact be getting more money paid to him on a pro-rated basis plus the \$10.00 plus the \$5.00?

Sen. BRADLEY: The way the bill reads and you can see this on the last line of section I of the bill, it says "provided, however, Towns and Cities may pay supplemental witness fees if deemed desirable". As I interpret the situation in your case, your people would receive their hourly rate plus the \$10.00 as a supplemental fee unless you choose to change your ordinance.

Sen. BOSSIE: The ordinance says that he gets \$5.00 and if he is actually working he gets paid for working and if he appears in court during the daytime he gets paid the \$5.00 and if he is not working and has to appear in court he gets the \$10.00 and sometimes this is \$15.00 for five minutes work.

Sen. BRADLEY: I would judge from what you said that the bill would only apply to those cases when they are off days and they are to be paid under this bill on an hourly rate and if your ordinance provides for a supplement they would get that extra \$10.00 that your ordinance strives for.

Sen. BOSSIE: That should be repealed?

Sen. BRADLEY: Unless the city of Manchester deems it desirable to have this extra payment on their books.

Adopted.      Ordered to third reading.

### SB 131

relative to a mandatory penalty for illegal sales of narcotics for profit. Without recommendation. Sen. Porter for the Committee.

Sen. Porter moved that the words inexpedient to legislate be substituted for the committee report without recommendation.

Sen. PORTER: Mr. President, this bill establishes a mandatory penalty for the illegal sale of drugs or narcotics. In the bill there is no defined minimum amount nor is there a mandatory sentence restricted to the most dangerous and deadly drug of heroin and as it covers all drugs and narcotics, heroin, speed, and LSD, I will shortly make the motion that ought to pass be for the companion bill SB 226, which was introduced on behalf of the Attorney General and it does have a mandatory penalty for the sale or possession of greater than 2½ ounces of heroin. Both of these bills were reviewed by the committee and the committee felt that SB 226 was a better bill and I urge your adoption of the committee report on this bill and that SB 131 be inexpedient to legislate.

Sen. Green moved that the words ought to pass be substituted in respect to SB 131.

Sen. GREEN: As one of the sponsors of SB 131, I rise in support of this bill. It is a mandatory sentence for drug pushers. I feel that this bill defines very clearly what a drug pusher is and it does have a mandatory sentence of 5 years on the first offense and it does allow for confinement in the rehabilitation center or hospital if a person is addicted. I feel that it is very important that we take a look at this bill and I do not believe that the merits of this bill can be argued on the basis of the mandatory sentence because the companion bill, SB 226, does in essence provide a mandatory sentence as well as this one. I think that it is high time that we take real serious consideration of this bill and recognize that we do have a problem and one of the reasons that this problem came into being in the first

place is that we hope that this very stiff mandatory sentence for those people dealing with drugs in the state of New Hampshire will realize that there is a severe penalty and that this will act as a deterrent and discourage those from getting involved in this kind of activity. I think that this bill is more conclusive than SB 226 and I think that it will accomplish more because there is more to accomplish.

I also think that it is very clear as to the definition of a drug pusher, specifies in terms of "for profit" and I think that makes a difference in terms of whether or not a person is going to be convicted for this offense and it does not become effective until November of 1973 and this will give an opportunity for the people of this state to become aware of the fact that we the Senate are taking some definite strong action toward this type of activity in the state of New Hampshire.

Sen. BRADLEY: Isn't it a fact that the present penalty on the books for the offense of selling drugs is already 20 years on the first offense and 25 on the second offense? Those are the maximum penalties that are now available to give out for these kinds of cases.

Sen. GREEN: I agree that there is a maximum. However, there is no minimum.

Sen. BRADLEY: Isn't it also true that under your bill, SB 131, that a person who is addicted to a drug and is sentenced to one of the mandatory sentences that after he is cured of his addiction that he still has to spend the rest of his mandatory penalty in jail and that you might have the situation of an eighteen or nineteen year old convicted and found to be a drug dependent and ordered to a rehabilitation center and he may be cured within one year and then he would have to spend the next four years on the first offense or the next nine years on the second offense in jail?

Sen. GREEN: I am not quite sure, that is sort of a double barrel question. First of all I think that the example that you stated, that this is less likely to happen and when you refer to the definition of a person who is selling these drugs and is actually identified and found guilty of selling these drugs that this makes a difference in the kind of things that we are talking about here.

Sen. POULSEN: Mr. President, I rise in wholehearted support of the motion made by Sen. Green. This bill goes along with the thinking of not only President Nixon, but also Governor Thomson and it is a thing that should be nationwide and I hope that it will be statewide and I hope we put a severe enough penalty on selling dope to make it completely unattractive to anyone. I urge everyone's support of this measure.

Sen. Porter moved that SB 131 be made a special order of business tomorrow at 1:01.

Sen. PORTER: We are trying, as I briefly spoke before, to consider SB 131 and SB 226 at the same time, Inadvertently the Senators do not have a copy of SB 226 and it would be very difficult to compare the two and I think in all fairness we should wait until tomorrow to have copies of both bills available for your review.

Sen. POULSEN: With all due respect to Senator Porter and respect to senatorial courtesy I think that we are getting too close to the end here and all of these things are coming together and I think it is time to act on this measure now and not put it off until tomorrow. There is a House Bill that is coming to us and it is still pending and I think that while we are all here tonight we should act on this and not make it a special order.

Sen. BOSSIE: I rise in favor of the pending motion to make it a special order. As you know the committee of Judiciary gave this and SB 226 very serious consideration and SB 226 has come out with an ought to pass recommendation and in my opinion it is a better bill. We don't have the bill here tonight for some reason and I believe out of courtesy to Senator Porter that we should hold off until tomorrow so that we can have a very serious discussion at that time which we should.

Division: Yeas 15, Nays 5.

Adopted.

Sen. Porter moved that SB 226 be made a special order of business at 1:02 tomorrow.

Adopted.

**SB 83**

relative to establishing a study committee to determine

feasibility of having domestic relations matters heard before the probate courts. Without recommendation.

Sen. Bradley moved that SB 83 be laid on the table.

Adopted.

### SB 198

relative to the licensing of alarm installers. Without recommendation. Sen. McLaughlin for the Committee.

Sen. McLaughlin moved that the words ought to pass be substituted for the words without recommendation.

Sen. MCLAUGHLIN: Mr. President, members of the Senate, this bill provides for a new chapter which will regulate those engaged in the business of alarm systems. The reason being that in the past these alarm systems were being installed by people improperly and they did not work and I move its adoption.

Adopted. Ordered to third reading.

### SB 209

relative to free parking in municipal parking areas. Without recommendation. Sen. Ferdinando for the Committee.

Sen. Ferdinando moved that the words ought to pass be substituted for without recommendation.

Sen. FERDINANDO: This bill allows a city council or town meeting to authorize free parking of motor vehicles for certain purposes or for certain persons if the certain persons would be paraplegic or blind or veterans. The committee felt it was a good bill even though it is Sen. Spanos' bill we felt that it ought to pass.

Sen. SPANOS: Mr. President, I rise in support of this measure for two reasons, one, because it is my bill and two because Sen. Ferdinando said it was a good bill.

Adopted. Ordered to third reading.

### SB 210

to allow for an annual rate for municipal parking areas. Without recommendation. Sen. Ferdinando for the Committee.

Sen. Ferdinando moved that the words ought to pass be substituted for the words without recommendation.



Sen. FERDINANDO: Mr. President, this is another of Sen. Spanos' bills and what it does it allows the city council or the town meeting to provide for changes for municipal parking areas which would be paid annually in lieu of parking meters. Once again the committee felt it was a good bill and felt that it ought to pass.

Sen. SPANOS: Mr. President this is the third time today that I have risen in support of Sen. Ferdinando and you know the old saying three times and you are out.

Adopted.      Ordered to third reading.

### SB 223

increasing the exemption for real property taxes for the blind. Without recommendation. Sen. Downing for the Committee.

Sen. Downing moved that the words ought to pass with amendment be substituted for without recommendation.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the exemption for  
real property taxes for the blind.

Amend the bill by striking out section 1 of same and inserting in place thereof the following:

1 Exemption as Determined by Blind Services Department. Amend RSA 72:37, as amended, by striking out in lines two and three the words "the state department of welfare" and inserting in place thereof the following (the blind services department of the vocational rehabilitation division of the education department) so that said section as amended shall read as follows:

72:37 Exemption for the Blind. Every inhabitant up to the age of sixty-five years who is legally blind as determined by the blind services department of the vocational rehabilitation division of the education department shall be exempt each year from taxation upon his or her residential real estate to the value

of one thousand dollars, provided the value of such residential real estate in this state as assessed by the selectmen does not, exclusive of bona fide encumbrances of record thereon, exceed ten thousand dollars. Provided that every such inhabitant sixty-five years of age and over shall be granted such exemption regardless of the amount of his equity in his residential real estate. The term "residential real estate" as used herein shall mean the same as defined in RSA 72:29. All applications made under this section shall be subject to the provisions of RSA 72:33 and 72:34.

Sen. DOWNING: Mr. President, this bill originally started out to double the exemption to the blind. However, the sponsor of the bill Sen. Nixon, yielded to HB 901 which is coming in to increase the exemption over that. However, during the discussion at the hearing it was suggested that the qualifications or agency qualifying who is blind should be clarified in the statute area and that is what SB 223 does and I urge your support.

Amendment Adopted.      Ordered to third reading.

#### SPECIAL ORDER 1:01

##### SB 126

providing for the withdrawal of the town of Newmarket from supervisory union no. 14. Inexpedient to legislate. Sen. Preston for the Committee.

Sen. Preston moved that the words ought to pass be substituted for inexpedient to legislate.

Sen. PRESTON: The Town of Newmarket voted at its annual school meeting for withdrawal from Supervisory Union No. 145. It is the feeling of this community through this meeting and its school board that they can better respond to local needs as a district itself.

I understand that Newmarket meets the guidelines for forming a separate district except for the student population which presently numbers about 1,000 youngsters.

Some in state government have inferred the town cannot afford the very move they request. Town officials take offense at this inference and don't accept it as fact. Even if this were to be true, the town has indicated their desire to provide better education. They sincerely feel they are not currently getting the

necessary attention from the present school administration. The superintendent is capable but too busy to devote the time, for example, to utilize programs available at the University of New Hampshire for remedial reading. Local administration could work on such matters. Presently the superintendent visits the town once or twice a year to evaluate teachers. The school board does not think this is sufficient.

Newmarket citizens are independent and industrious. They're seeking a more efficient operation of local schools. There is something obviously wrong with the present system; as we see several bills coming before us from communities making the same request. Sixteen as a matter of fact asking "out" of school unions.

Current trends in government are to de-centralize. Revenue sharing represents this concept and urges communities to assume community responsibilities locally if possible.

It was stated at the committee hearing that the superintendent admitted the union under its present structure is not working.

If a warrant was placed before them they would then seek remedy via the state legislature.

As Sen. Green previously stated on another bill SB 143, we endorse home rule. I agree with Sen. Green and urge my colleagues' support in the motion, ought to pass.

Sen. S. Smith moved that SB 126 be indefinitely postponed.

Sen. S. SMITH: This may be an amusing situation to some, I think there is a very serious intent in this bill that would in effect work a hardship on the Town of Newmarket. It is true that last week Londonderry became a separate supervisory union without legislation and for the very simple reason that there was pressure on the bills before the legislature this session on this same subject matter and that Londonderry met the qualifications that were set down by the State Board of Education. One of the principal requirements was that 2,000 students be a minimum for a supervisory union. In the testimony which we received in the committee, there were approximately 750 students in the Town of Newmarket. The Town of Newmarket has not even attempted to take the proper channels to work out a new supervisory union and they have not even gone to the

state Board of Education on their petition. The vote which was described earlier was taken by hand when they had a fairly small number of people, I think it was less than 100 or 125 people at the annual school meeting and when questioned about the meeting they didn't seem very willing to discuss what occurred. The other question was asked that because of the smallness of the size of this district as opposed as to what the Board thought of the possibility of joining, splitting the union and entering two or three towns joining with Newmarket which would help carry the load and the members of the Board indicated that they thought that this was not a bad idea. Then the committee unanimously voted that this bill be reported out inexpedient to legislate and it hoped that the Town of Newmarket which has a legitimate concern would go to the State Board of Education with a proposal that is feasible and functionable for that Town. For the Town of Newmarket to form its own supervisory union would do nothing more than to add a burden of cost with little service to the already heavy tax burden which was indicated by the Town of Newmarket. I hope the Senate will go along with the motion to indefinitely postpone this bill.

Sen. SANBORN: Isn't it true that about all of these districts, that we have these school districts that the towns that are usually fairly close connected to make up the districts?

Sen. S. SMITH: In what respect Senator?

Sen. SANBORN: Usually each one of the towns in the district is bordered by another town in the same district?

Sen. S. SMITH: It is bordered generally and they have some commonality in educational interests, that is correct.

Sen. SANBORN: Senator are you knowledgeable of the situation of the five towns listed here: Epping, Kingston, Newington, Newmarket, and Sandown, how closely they are connected?

Sen. S. SMITH: I believe they are connected by borders but certainly may or may not be as far as their commonality of interest in regards to their educational process. I am not saying Senator that there should not be some readjustment but I think that they should follow the procedures which have been established and laid out and it has never been in the history of the state that we have legislated for a supervisory union to be estab-



lished or set up the line. The policy has been since 1918 that the State Board should determine the interest and the guidelines and the areas of concern to develop a supervisory union with commonality of interest.

Sen. SANBORN: Isn't it true that the towns of Epping and Newmarket are connected slightly? That the town of Kingston and Lexington are stood off completely from those preceding towns by the towns of Brentwood and Exeter and that Sandown is set off by itself way out and is split off by the Town of Brentwood and Fremont and Raymond and these towns are actually spread all over the map and they are no way connected to education?

Sen. S. SMITH: I agree with that and that the present supervisory union is not the answer. But to completely segment Newmarket into a supervisory union of its own is contrary to the propositions.

Sen. PRESTON: It is my understanding of the Task Report that there are two hopes for a town to do this thing. One is that they apply to the State Board of Education and the other is that the town act upon it in their warrant, which they did in this case. However, I am going to suggest to my colleagues that we vote against the motion and I would like to see them determine it on the basis of my motion ought to pass and defeat the pending motion.

Sen. BRADLEY: How are we as legislators to determine what individual district should be allowed to form their own supervisory union?

Shouldn't there be some criteria that we could follow to do this or would you agree that any district if so voted should be allowed to do so by the legislature?

Sen. PRESTON: I am basing my report on this community and the fact that they are not now getting service out of the existing regulations. It spans together an area of some forty miles and it gives better education. I guess I am standing on that principle.

Sen. BRADLEY: Aren't we adopting a measure such as this, telling in each district that votes and has a meeting on a supervisory union that they can go ahead and have it?



Sen. PRESTON: We did that in the case of Londonderry and it is my understanding that in such a community where the number of students —

Sen. BRADLEY: Isn't it a fact that we did not do it in the case of Londonderry? Londonderry made a supervisory union through the regular channels that have always been established by the State Board of Education?

Sen. PRESTON: That is true.

Division: Yeas 9, Nays 12.

Motion lost.

Sen. Downing moved that SB 126 be recommitted to the Committee on Education for interim study.

Division: Yeas 11, Nays 11.

Motion lost.

Sen. Foley, moved that SB 126 be referred to an interim study committee on Education.

Sen. FOLEY: Mr. President, I should also like to ask that I hope the Study Committee would call in the State Board of Education and get this ironed out.

Division: Manifestly in the affirmative.

Adopted.

Sen. Jacobson wishes to be recorded as being in favor of sending SB 126 to interim study committee.

Sen. Lamontagne moved that SB 162 be taken from the table.

Adopted.

Sen. Bossie moved that the words ought to pass with amendment be substituted for the words without recommendation.

Sen. Lamontagne moved that SB 162 be indefinitely postponed.

Sen. LAMONTAGNE: Mr. President, members of the Senate, I have spoken on this question before and I personally feel that this bill at this time would be very dangerous to pass. This type of bill especially when New Hampshire population is

growing as it is. At the same time this means that moving earth, you would have to have permission and at the same time, I feel that this would be harmful especially to new homes that are cropping up and I feel that the local and city municipal government would be in serious problems if this bill were passed. This is the reason why I move for indefinite postponement.

Sen. PORTER: Mr. President, I rise in opposition to the motion made by Sen. Lamontagne. The need in New Hampshire for control of the regulations of mining I think is evident to everyone. The need for reclamation for those mining areas after the mining is completed is self-evident to those of you who open your eyes as you drive around the state. SB 162 will provide for an orderly use of these resources in this state. This land is, it was suggested that even though this is a department bill, the Department of Resources, that an amendment should be proposed to transfer the authority for this department to the proposed Environmental Protection Department and I subsequently learned from Sen. Preston that the Department would prefer to keep this authority within the Department and should the Senate in their wisdom defeat the motion on the floor before us by Sen. Lamontagne, I would withdraw the amendment and move the passage of the bill without amendment to get the bill down to Finance for review there.

Roll call requested by Sen. Trowbridge, seconded by Sen. Porter.

Yeas: Sens. Lamontagne, Poulsen, Gardner, Jacobson, Blaisdell, McLaughlin, Ferdinando, Sanborn, Provost, Brown, Johnson, and Preston.

Nays: S. Smith, Bradley, Green, Spanos, Nixon, Trowbridge, Porter, R. Smith Bossie, Downing and Foley.

Result: Yeas 12, Nays 11.

Adopted.

Sen. Bradley moved we reconsider SB 101.

Adopted. Referred to Finance.

Sen. SANBORN: Mr. President, I want to thank the trustees of Coe-Brown and the people of Northwood and Deerfield, my brothers of the Legion and everyone who is here tonight. I really appreciate it and I hope also you took good notice of the sign.

Sen. NIXON: The record will show that we are now in Sanborn country.

Sen. TROWBRIDGE: I would like to make it clear to each one of the Senators about the rules of Finance bills so there will be no misunderstanding. Today is the day under the Joint Rules that all of the bills that carry an appropriation must be reported to the Senate Clerk one way or the other. Now I plan to have in the Journal of today's proceedings a report of Senate Finance saying that everyone of Senate Finance bills yet to be heard will automatically be reported in today without recommendation, just the way you have in your committees so then we will have the next three days to argue them. If I miss one it will only be because of a mistake so if anyone is especially interested in a bill that has been referred to Finance the last day, so it won't fall through, let me know and I will do everything in my power to get it on the list and get it to the Clerk.

SJR 19, making an appropriation for the planning and design of the proposed Alan B. Shepard state park in Derry.

SB 249, relative to education in the field of property tax administration and making an appropriation therefor.

SB 229, providing for the employment of state police on their days off in the case of emergencies.

SJR 14, providing a supplemental appropriation for payment of counsel for indigent defendants.

SB 144, providing funds for an increased statewide betterment highway reconstruction program to upgrade existing state highways.

SB 197, relative to the New Hampshire real estate commission.

SB 61, relative to workmen's compensation for state employees; creating a workmen's compensation review commission for state employees and making an appropriation therefor.

SB 234, providing a limited tuition assistance to N.H. high school graduates who wish to attend accredited institutions of higher learning within the state; and making an appropriation therefor.

SB 202, relative to the construction of Dover-Somersworth interchange number nine of the Spaulding Turnpike and making an appropriation therefor.

SB 116, establishing the position of park and forest security officer in the department of resources and economic development; and making an appropriation therefor.

SB 224, establishing a New Hampshire studies project.

SB 240, authorizing the transfer of Norman S. Cook, Helen J. Hurley and Pauline Kolongis from the New Hampshire Teachers Retirement Association to the New Hampshire Retirement System.

SB 159, permitting the water supply and pollution control commission to continue minimum algae control effort in the surface waters of the state, and making an appropriation therefor.

SB 101, establishing a public defender system for Merrimack, Cheshire and Rockingham counties.

Sen. FOLEY: I move that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and that when we adjourn we adjourn with thanks to the ladies and gentlemen who prepared the delicious supper; the Rev. Hayes for acting as guest chaplain; the veterans who posted the colors; the officers of the towns who officially greeted us; Coe Brown Academy for allowing us the use of their facilities. We wish you best of luck in your bicentennial celebration and when we adjourn we adjourn until tomorrow at 11:00 a.m. back in Concord.

Adopted.

#### LATE SESSION

Third reading and final passage

SB 187, clarifying the authority of county conventions to set salaries.

SB 205, relative to retention of legal residence in spite of private or institutional confinement.

SB 239, relative to regulating Sunday activities in towns of over ten thousand.

SB 260, relative to terms of office of members of the commission on the status of women.

SB 261, providing for the election of members to the county convention as a separate county office.

SB 262, relative to an alternate form of county government.

SB 268, conforming civil actions commenced by attachment and/or trustee process to constitutional due process limitations.

SB 220, to expend the scope of summary judgment proceedings.

SB 230, relative to child support payments.

SB 233, establishing a commission to recommend three candidates for all judicial appointments.

SB 236, providing due process in the right of appeal for suspended state employees.

SB 247, relative to the civil action of replevin.

SB 251, requiring bicycle riders to obey the rules of the road.

SB 252, providing for a reduction in the costs of administration of the Manchester district court.

SB 238, changing the name of the Berlin Wayside Area in the capital appropriations of 1971.

SB 264, providing exceptions to the over-all width of motor vehicles.

SB 170, increasing the number of members of the Boundary Commission, including a commercial fisherman, and providing for a study of both Maine and the Massachusetts boundaries with New Hampshire.



SB 241, permitting the sale of alcoholic beverages in certain curling clubs.

SB 256, extending the application period for licensed public accountants.

SB 92, providing total property tax exemption for all totally disabled veterans of any branch of the armed forces.

SB 218, relative to non-resident auctioneer licenses.

SB 244, to re-organize the present fire service training program.

SB 137, establishing a State Historic Preservation Office, and making an appropriation therefor.

SJR 21, Joint Resolution relative to retirement credit for Lawrence E. Marchand, employee of the city of Berlin.

SB 181, relative to participation in a New England power pool.

SB 231, specifying procedures for termination of residential gas or electric services.

SJR 18, making an appropriation for purchase by the state of gasoline storage tanks and pumps.

SB 265, relative to witness fees for law enforcement officials.

SB 198, relative to the licensing of alarm installers.

SB 209, relative to free parking in municipal parking areas.

SB 210, to allow for an annual rate for municipal parking areas.

SB 223, relative to the exemption for real property taxes for the blind.

Adopted.

Sen. Bossie moved reconsideration of SB 231.

Motion lost.

Sen. Sanborn moved the Senate adjourn at 9:45 p.m. until tomorrow morning at 11:00 a.m.

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*Friday, 1Jun73*

The Senate met at 11:00 a.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Dear Father of us all, let no vain glory or personal pride persuade us to deviate from the path of Justice!

Give us wisdom to determine the right from the wrong as we struggle with our over-powering backlog of legislation!

Show us the way to go forward together, with open minds, as we unite in our work for the good of all.

We humbly ask for Thy ever present help, O Lord. Amen.

Pledge of Allegiance was led by Sens. Preston, Downing, Brown, Provost and Sanborn.

#### HOUSE REQUEST CONCURRENCE ON AMENDMENT TO

SB 28, relative to a bill of rights for mobile home park tenants.

Sen. Provost moved that we nonconcur and request a committee of conference.

Adopted.

The Chair appoints as member of the committee of conference Sens. Nixon, Bradley and Bossie.

#### HOUSE ADOPTION OF ENROLLED BILLS AMENDMENT ON

HB 255, an act permitting the employment in a school district of a learning disability teacher.

#### HOUSE CONCURRENCE WITH AMENDMENT TO

HB 286, relative to the taking of clams from the ocean waters of New Hampshire.

HB 53, prohibiting the use of motorboats on the Cacheco River within the city limits of Rochester.

### HOUSE CONCURRENCE

SB 41, relative to increasing the amount of homestead.

### HOUSE NONCONCURRENCE

SB 40, relative to the distribution of district court fees.

### COMMITTEE REPORTS

#### SB 234

providing a limited tuition assistance to New Hampshire high school graduates who wish to attend accredited institutions of higher learning within the state; and making an appropriation therefor. Ought to pass with amendment. Sen. Trowbridge for the Committee.

### AMENDMENT

Amend RSA 187:38 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

187:38 Difference in University Tuition and that of Other Regionally Accredited Private, Non-profit Colleges. For any graduate of a high school in this state who desires to attend and is accepted by another regionally accredited, private, non-profit institution of higher learning in this state which he can attend as a commuter student or who can prove a need to attend a specific program offered by said institution, the Coordinating Board of Advanced Education and Accreditation or its successor shall pay the difference in the tuition cost charged by the university of New Hampshire at Durham and that charged by the institution to which said high school graduate is accepted. Such difference, not to exceed one thousand dollars per year, shall also be limited to an amount not to exceed the individual's demonstrated financial need as determined by a formula based on reported taxable income. The specific formula will be determined by the Coordinating Board of Advanced Education and Accreditation or its successor. The Coordinating Board shall allocate funds on the basis of financial need. Said difference in tuition costs shall be paid for a period of up to four years, so long as student remains in good academic standing. At the be-

ginning of each academic year, the costs differential shall be determined by the Coordinating Board of Advanced Education and Accreditation or its successor. It shall be the responsibility of the institution to which the student has been accepted to provide to the Coordinating Board of Advanced Education and Accreditation or its successor such proof as the Board may determine of the student's eligibility for assistance. Such proof to be submitted according to a timetable established by the Coordinating Board of Advanced Education and Accreditation or its successor. Assistance shall be distributed on a first-come, first-served basis according to the need formula.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. The sum of one hundred fifty thousand dollars is hereby appropriated for the fiscal year ending June 30, 1974; and a like sum is appropriated for the fiscal year ending June 30, 1975 for the purposes of this act. These funds shall be non-lapsing and are to be expended by the Coordinating Board of Advanced Education and Accreditation or its successor under such guidelines as they may establish for purposes of this act. The governor is authorized to draw his warrant for sums hereby appropriated from any moneys in the treasury not otherwise appropriated.

Sen. TROWBRIDGE: Mr. President, SB 234 is sponsored by Senator Jacobson in order to make available to New Hampshire students only (resident students) the possibility of going to a New Hampshire college such as Colby Junior College or Franklin Pierce College or Nathaniel Hawthorne College and that the state would pick up the difference between the tuition at Durham and the tuition at Franklin Pierce College. At the present time they estimated there could be some seven hundred and fifty students who would rather go to a local college than to Durham or Keene or Plymouth. In Senate Finance we have allocated one hundred and fifty thousand dollars each year for the biennium. Secondly, we have changed it so that it is a maximum of a thousand dollars that can be awarded for this purpose to any student. We have also made it clear that for the person to be eligible he must either be a commuter type or must demonstrate some special need to go for a certain course at a certain college in order that we can prevent what could happen with people saying that they'd rather go to a college up in the ski

country like Franconia College where they could ski.

Amendment Adopted.      Ordered to third reading.

### **SJR 19**

making an appropriation for the planning and design of the proposed Alan B. Shepard state park in Derry. Ought to pass. Sen. R. Smith for the Committee.

Sen. SANBORN: This bill asks for a small appropriation of about \$20,000. DRED and everyone that appeared before the committee believe that this is an excellent idea, that we have this Alan B. Shepard Park. It was felt that monies can be obtained from the federal funds in this area and it is recommended that this bill be passed.

Adopted.      Ordered to third reading.

### **SB 159**

permitting the water supply and pollution control commission to continue minimum algae control effort in the surface waters of the state, and making an appropriation therefor. Ought to pass. Sen. R. Smith for the Committee.

Sen. R. SMITH: Mr. President, SB 159 continues the algae program that has been in existence for some number of years now. This is the only relief for Lake Winnisquam.

Adopted.      Ordered to third reading.

### **SB 229**

providing for the employment of state police on their days off in the case of emergencies. Inexpedient to legislate. Sen. R. Smith for the Committee.

## **RECESS**

## **OUT OF RECESS**

Sen. R. Smith moved that SB 229 be referred to the Fiscal committee for further study.

Sen. R. SMITH: Mr. President, SB 229, while the objective of the bill is a laudable one, the brief testimony that we had and the time that we had to consider the bill proved the committee unable to determine what the cost factor would be. Secondly, the problem of compensatory time goes far beyond the forces of



the State Police. It goes into conservation officers, liquor inspectors and the whole state work force. It is our opinion that the problem should be dealt in full and not for one particular group.

Adopted.

**SB 249**

relative to education in the field of property tax administration and making an appropriation therefor. Ought to pass. Sen. R. Smith for the Committee.

Sen. R. SMITH: Mr. President, SB 249 appropriates \$3,000 to be matched with \$25,000 from the Municipal Association to provide an assessor school at the University of New Hampshire for one week in the summertime so that assessors and selectmen assessors can study.

Adopted.      Ordered to third reading.

**SJR 14**

providing a supplemental appropriation for payment of counsel for indigent defendants. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this SJR 14 appropriates \$52,000 to pay council for representation of indigents during this biennium. The need has been greatly shown to be there. And we hope that the Senate will pass this.

Adopted.      Ordered to third reading.

**SB 144**

providing funds for an increased statewide betterment highway reconstruction program to upgrade existing state highways. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, what this bill does is provide a five million dollar bond issue for the betterment program of our state highways. It was brought out that under the present budgetary restraints of the state highway department and the government program that they had about one million six hundred thousand dollars for betterment each year. And one million of it was being used for resurfacing leaving only about six hundred thousand for betterment and updating of the road. There are over two thousand miles of road in New Hampshire

under primary and secondary assistance that badly need to be reconditioned and updated.

Adopted.      Ordered to third reading.

**SB 197**

relative to the New Hampshire real estate commission. Inexpedient to legislate. Sen. S. Smith for the Committee.

Sen. S. SMITH: The report on this bill, inexpedient to legislate is because of certain portions or sections of this bill establishing powers and duties to promulgate rules and regulations. This will be found in another bill that is coming in under the Administrative Procedures Act which would establish a uniform procedure for all parties. The second portion or aspect of the bill was putting in an investigator within the commission and it was felt that this should be adopted through the budgetary process.

Adopted.

**SB 61**

relative to workmen's compensation for state employees, creating a workmen's compensation review commission for state employees and making an appropriation therefor. Ought to pass with amendment. Sen. Green for the Committee.

**AMENDMENT**

Amend section 2 of the bill by striking out in line one the words "five thousand" and inserting in place thereof the following (two thousand) so that said section as amended shall read as follows:

2 Appropriation. There is hereby appropriated the sum of two thousand five hundred dollars for fiscal year 1974 and the same amount for fiscal year 1975 to the workmen's compensation review commission for state employees for the purposes of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Sen. GREEN: There would be a little conflict in that the Commissioner of Labor actually reviewed a situation relative to a State Employee Compensation and he was asked to give his opinion a second time. This bill provides that personnel

within all departments in the agencies and institutions of the state shall have the responsibility for actually coming and complying with RSA 281. In going over this bill Finance committee agreed that the concept itself was a reasonable one to consider but the amount of money asked for in its appropriation was too high. We've amended this and feel it should pass.

Sen. BRADLEY: I don't see anything in the bill about being or having a workmen's compensation review commission.

Sen. GREEN: The actual bill as it came through from the Ways and Means Committee came through as the bill appears in your book.

Amendment Adopted.      Ordered to third reading.

**SB 116**

establishing the position of park and forest security officer in the department of resources and economic development; and making an appropriation therefor. Inexpedient to legislate. Sen. S. Smith for the Committee.

Sen. S. SMITH: This is my bill and it was felt that it should be made inexpedient due to the fact that it is covered by other legislation.

Adopted.

**SB 224**

establishing a New Hampshire studies project. Inexpedient to legislate. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: SB 224 was asked to set up a special study on the teaching of New Hampshire history in colleges. What we could not go along with was the amount needed for appropriation and we feel that it is inexpedient to legislate.

Adopted.

**SB 240**

authorizing the transfer of Norman S. Cook, Helen J. Hurley and Pauline Kolongis from the New Hampshire Teachers Retirement Association to the New Hampshire Retirement System. Inexpedient to legislate. Sen. Green for the Committee.

Sen. GREEN: SB 240 involves three teachers who have never been a part of the retirement system and in order for them to become part of the system they would have to contrib-

ute to the system and also the local school district and the state. It was felt that that was too much to ask in this situation. The committee voted this inexpedient to legislate.

Adopted.

### **SJR 16**

relative to retirement credit for Thomas Bolton. Ought to pass with amendment. Sen. Foley for the Committee.

### **AMENDMENT**

Amend the title by striking out the same and inserting in place thereof the following:

### **JOINT RESOLUTION**

relative to retirement credit for Thomas A. Bolton and allowing Ernest W. Weeks to enter the retirement system and receive credit for prior employment.

Amend the resolution by inserting at the end thereof the following:

(That notwithstanding any provisions of RSA 100-A and 103 or any other statute to the contrary, Ernest W. Weeks, Portsmouth fire chief shall be entitled to become a group II member of the New Hampshire retirement system and upon entry as such a member shall be entitled to receive retirement credit for the periods between May 20, 1934 and April 19, 1942 and from July 19, 1943 to his entry into said retirement system, but only upon payment by him and the city of Portsmouth to the New Hampshire retirement fund of the amounts, as determined by the trustees of the New Hampshire retirement system, needed to fund such creditable services in full with no cost to the state.)

Sen. FOLEY: Mr. President, this bill simply allows Mr. Devoe to reenter the retirement system and the amendment also allows Ernest Weeks to be allowed in the retirement system.

Amendment Adopted.      Ordered to third reading.

### **SB 100**

providing for cost of living increases for retirement allowances paid to teacher members of group I and all members of group II under the N. H. retirement system and all members of the New Hampshire firemen's retirement system, the New

Hampshire Policemen's retirement system and the New Hampshire teachers retirement system and making appropriations therefor. Without recommendation. Sen. Trowbridge for the Committee.

Sen. Trowbridge moved that ought to pass with amendment be substituted for without recommendation.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

providing an additional (cost of living) retirement allowance for persons receiving retirement on June 30, 1973.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Supplementary Cost of Living Allowances. Any state employee, policeman, fireman, or teacher beneficiary who retired prior to July 1, 1973 and who is in receipt of a retirement allowance on January 1, 1974 and who retired under the provisions of RSA 100, RSA 100-A, RSA 102, RSA 103, or RSA 192 shall beginning with the month of January 1974 and monthly thereafter but not beyond the month of December 1974 have his allowance increased by eight percent. If the beneficiary of a retired member who retired prior July 1, 1973 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1974, the beneficiary shall be paid beginning with the month of January 1974 and monthly thereafter but not beyond the month of December 1974 an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1974, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. The payment of the additional retirement allowance payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

2 Appropriation. To provide funds for the payment of the supplemental allowances provided by section 1, the sum of



\$258,000 is hereby appropriated for the fiscal year ending June 30, 1974, to be expended between January 1, 1974 and June 30, 1974 and the sum of \$258,000 is hereby appropriated for the fiscal year ending June 30, 1975, to be expended between July 1, 1974 and December 31, 1974. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

3 Interrupted Service. Amend RSA 100-A:3 (supp) as inserted by 1967, 134:1, as amended, by inserting after paragraph V the following:

VI. If a member ceases to be a member and withdraws his accumulated contributions, and later again becomes a member and wishes to receive prior service credit for the previous time served as a member, or if a member wishes to receive credit for the period which he was employed in a temporary capacity previous to becoming a member he may petition the board of trustees to obtain an actuary's statement indicating the costs providing he agrees to pay for the statement, and upon payment of the amount determined by the actuary and with the approval of the board, he shall receive credit for his previous service, or the period served in a temporary capacity.

4 Budget Request. Amend RSA 100-A (supp), as inserted by 1967, 134:1, by inserting after section 14 the following:

100-A:14-a Cost of Living Additional Allowance. The board of trustees of the New Hampshire retirement system shall request of the legislature a sufficient amount to fund a cost of living additional allowance for each year of the biennium. Such amounts shall be requested in the New Hampshire retirement system budget request.

5 Effective Date. This act shall take effect July 1, 1973.

Sen. TROWBRIDGE: The purpose of SB 100 was to give a cost of living increase to all those persons who are retired state employees, firemen, policemen and these people. The original bill proposed to do this by funding it within the system so that you add to the total cost of about one million and one half to two million dollars a year. Since our purpose was only to give a cost of living increase to those who are actually retired we had to go a separate route. There is a constitutional provision that says that you can not give a pension for prior services for more than

one year. So that we can't just add for the first two years of the biennium four percent each year to those who are retired. Hence, section I gives an eight percent cost of living increase in calendar year 1974. This is paid half out of fiscal 1974 which ends June 30, 1974 and half out of fiscal 1975. So that the pension is paid in one year satisfying the constitution.

Sen. GREEN: I'd like to rise in support of the SB 100 and its amendment.

Amendment Adopted.      Ordered to third reading.

### SB 202

relative to the construction of Dover-Somersworth interchange number nine of the Spaulding Turnpike and making an appropriation therefor. Ought to pass with amendment. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: SB 202 was introduced by Sen. Johnson primarily to take care of a situation which has been tied up in the House relative to HB 247 which has died in the House for reasons accounted. But on the House side there were several non-controversial items one of which was the construction of the Dover-Somersworth Interchange which was part of the package of the extension of the Spaulding Turnpike last session. Now there is some controversy about the Spaulding Turnpike extension but there is no controversy about the interchange. So Sen. Johnson simply wanted to get that carved out and on its own. Secondly, there is no known controversy about the need for an extra five million dollars on the bond issue authorizing the expansion of route 95. That has already gone into construction, it's just the fact of inflationary costs and delays that have boosted this project from 33 million to 38 million. This also was in HB 247. So what we are doing here is bringing in a bill which takes the two non-controversial parts of HB 247 and increasing the amounts of money to those bond issues accordingly.

Sen. PRESTON: Sen. Trowbridge, does this bill in any way effect tolls that are to be charged on that expressway?

Sen. TROWBRIDGE: That's why it is the way it is. It does not effect the tolls.

Sen. GREEN: I want to rise in strong support of the bill and as it was amended.

Sen. LAMONTAGNE: Mr. President, and members of the Senate as you all know I said that I was going to oppose SB 202, but right now I feel that I have to support SB 202 because of HB 247 being killed.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Dover-Somersworth Interchange. Amend RSA 256-C:6 (supp) as inserted by 1971, 520:1 by inserting after the numerals "40,000" the following

(Construction of Dover-Somesworth      One million dollars  
interchange number nine of Spaulding      (\$1,000,000)      )

Turnpike. RSA 256-C:2, II

2 Blue Star Memorial Highway. Amend RSA 256-C:6 (supp) as inserted by 1971, 520:1 by striking in lines four and five the words and numerals

"Thirty-three million dollars  
(\$3,000,000) "

and inserting in place thereof the following:

(Thirty-eight million dollars  
(\$38,000,000)      )

3 Borrowing Power Increased. Amend RSA 256-C:7 (supp) as inserted by 1971, 520:1 by striking out in lines three and four the words and numerals "one hundred twenty-one million, five hundred thousand dollars (\$121,500,000)" and inserting in place thereof the following (one hundred twenty-seven million, five hundred thousand dollars (127,500,000)).

4 Effective Date. This act shall take effect upon its passage.

Amendment Adopted.      Ordered to third reading.

RECESS

OUT OF RECESS

## SUSPENSION OF RULES

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to allow a committee report on SB 101 without proper notice in the Journal.

**SB 101**

establishing a public defender system for Merrimack, Cheshire and Rockingham counties. Ought to pass with amendment.

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

establishing a public defender system for  
Merrimack and Hillsborough counties

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Declaration of Purpose. It is hereby declared to be the policy of the state to continue the pilot program for Merrimack County for representation of indigent defendants in criminal cases, and establish a similar pilot program for Hillsborough County.

2 In Merrimack County, notwithstanding the provisions of RSA 604-A, when the appointment of counsel is required for indigent defendants in criminal cases, the court shall appoint the Merrimack County public defender established by this Act.

3 In Hillsborough County, notwithstanding the provision of RSA 604-A, when the appointment of counsel is required for indigent defendants in criminal cases, the court shall appoint one of the three Hillsborough County public defenders established by this Act or a qualified attorney assigned by the court, the allocation of cases between the public defenders and assigned counsel to be in accordance with a plan adopted by New Hampshire Legal Assistance and a committee of three lawyers practicing in Hillsborough County to be appointed by the President of the New Hampshire Bar Association.

4 The public defender for Merrimack County, and the three public defenders for Hillsborough County, shall be the

New Hampshire Legal Assistance in accordance with the terms of a contract with said organization.

5 The Comptroller, with the approval of the Governor and Council, is authorized to enter into a two-year contract with the New Hampshire Legal Assistance to establish an office of public defender in Merrimack and Hillsborough Counties, and to provide legal services for indigent defendants in criminal cases in Merrimack and Hillsborough Counties, as may be required under the provisions of RSA 604-A.

6 The compensation for legal services for indigent defendants represented by a public defender in Merrimack and Hillsborough Counties shall be such sums as may be fixed by the before-mentioned contract, and said compensation shall be a charge upon the appropriation for the payment of counsel for indigent defendants in criminal cases for the biennium ending June 30, 1975, but said sums shall not exceed sixty-five thousand dollars for the first fiscal year and seventy thousand dollars for the second fiscal year.

7 This Act shall take effect July 1, 1973 provided, however, that if the contract specified in section 4 has not been finalized by said effective date, the provisions of RSA 604-A shall be in effect in Merrimack and Hillsborough Counties until said contract has been finalized.

Sen. TROWBRIDGE: Mr. President, SB 101, with its amendment adds Hillsborough County to the public defender system. The appropriation is 65 thousand dollars with a charge against the budgetary amount given for the hiring of attorneys for the protection of indigent defenders, where the court has the option of either using the public defender or if one is not available another attorney. So this adds to the present Cheshire, Merrimack and Rockingham counties.

Amendment Adopted.      Ordered to third reading.

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to permit introduction of a bill without public hearing.

Adopted.

**SB 212**

establishing a commission to study the state retirement



systems and making an appropriation therefor. Without recommendation. Sen. Trowbridge for the Committee.

Sen. Trowbridge moved that the words ought to pass be substituted for without recommendation.

Sen. TROWBRIDGE: Mr. President, SB 212 establishes a commission to study the state retirement system and makes an appropriation therefor from money that has been previously allocated.

Sen. JACOBSON: Is it necessary that this bill pass today?

Sen. TROWBRIDGE: No.

Sen. JACOBSON: I have no objection of it passing today but there is another one similar which is supposed to be better, HJR 9, that is coming up on the floor on Tuesday in the House and I'm wondering whether we should pass it or hold it and see whether the House passes that?

Sen. TROWBRIDGE: I think that we should pass this.

Adopted.      Ordered to third reading.

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to permit a report without proper hearing and notice in the Journal.

#### **SB 194**

permitting control of outdoor advertising on class IV and V highways. Without recommendation. Sen. Trowbridge for the Committee.

Sen. Trowbridge moved that the words ought to pass be substituted for without recommendation.

Sen. TROWBRIDGE: SB 194 should never have come to Finance. All this does is control billboards on Class 4 and Class 5 highways and there has been no opposition and I urge your support.

Adopted.      Ordered to third reading.

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to permit a committee report without proper notice in the Journal.

Adopted.

**SB 248**

authorizing the governor to enter into a contract with Schools of Dental Medicine to guarantee openings for qualified New Hampshire students and making an appropriation therefor. Without recommendation. Sen. Trowbridge for the Committee.

Sen. Trowbridge moved that the words ought to pass be substituted for without recommendation.

Sen. TROWBRIDGE: Mr. President, SB 248 is the companion to HB 268 which had to do with the opening of Dartmouth Medical School slots per year for N. H. residents. This opens five slots per year at the Tufts Dental School, with the same type of restrictions and the same definition of residence as we had in the other bill. The appropriation is \$40,000 for the first year and then as we double up the second year it is \$80,000. The students are committed to coming back to New Hampshire.

Adopted.      Ordered to third reading.

**SB 227**

relative to the liability of personnel of the New Hampshire hospital. Without recommendation.

Sen. Bradley moved that the words inexpedient to legislate be substituted for the words without recommendation.

Sen. BRADLEY: Mr. President, this bill has a word clause protecting the people who work at the State Hospital. However, the bill in its present form goes too far and would wipe out rights and remedies that people now have. Ideally perhaps the bill should have been amended.

Adopted.

**SB 75**

adopting the uniform management of institutional funds act. Without recommendation.

Sen. Bradley moved that the words ought to pass with amendment be substituted for the committee report without recommendation.

**AMENDMENT**

Amend said bill by inserting after the title of new chapter

RSA 292-B, as inserted by section 1 of said bill, the following new section:

292-B:1 Declaration of Purpose. It is hereby declared to be in the public interest and to be the policy of the state to promote, by all reasonable means, the maintenance and growth of eleemosynary institutions by encouraging them to establish and continue investment policies, without artificial constraints, which will provide them with the means to meet the present and future needs of such eleemosynary institutions pursuant to the provisions of this act. To this end it is hereby declared to be in the public interest and to be the policy of the state to encourage such institutions to adopt investment policies whose objective is to obtain the highest possible total rate of return consistent with the standard of prudence.

Amend RSA 292-B:1 as originally inserted by section 1 of said bill by renumbering said section to read 292-B:1-a.

Amend RSA 292-B:6 as inserted by section 1 of said bill by striking out said section and inserting in place thereof the following:

292-B:6 Standard of Conduct. In the administration of the powers to appropriate appreciation, to make and retain investments, and to delegate investment management of institutional funds, members of a governing board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. In so doing they shall consider long and short term needs of the institution in carrying out its educational, religious, charitable, or other eleemosynary purposes, its present and anticipated financial requirements, expected total return on its investments, price level trends, and general economic conditions. Provided, however, the appropriation of appreciation in any years in an amount greater than seven percent of the fair market value of the assets of the institution's endowment funds (calculated on the basis of market values determined at least quarterly and averaged over a period of three or more years) shall create a rebuttable presumption of imprudence on the part of the governing board.

Amend RSA 292-B:7, IV, as inserted by section 1 of said bill by striking out said paragraph and inserting in place thereof the following:

IV. This section does not limit the application of the doctrines of cy pres or deviation of trust.

Sen. BRADLEY: Mr. President, this is a bill that would legitimize the practice which is followed by many corporations employing the so-called total term concept in their endowments. There was a question of constitutionality raised by a Director of Childhood Trusts and on the basis of that we sent the bill as amended to the Supreme Court for a decision. I have just received a message from the Supreme Court telling us that the opinion will not be back until sometime next week. Therefore, what I would like to ask the Senate to do is to pass this bill on the understanding that the House will meet any of the objections that the Supreme Court may raise to the bill.

Amendment Adopted.      Ordered to third reading.

#### SPECIAL ORDER 1:01

##### SB 141

providing for continued expenditures at current levels in the event a subsequent budget is not enacted. Inexpedient to legislate. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, SB 141 attempts to adopt as a matter of state law the fact that if at any time, the general appropriations budget with the department or state is enacted by law by the legislature that until then the general appropriations budget of the prior biennium remains the law for the proceeding fiscal year. Normally what happens with a continuing resolution is that when all else fails a joint resolution is filed between the House and Senate which continues the operations of the state for a period of time in order to keep the state afloat during the time that there maybe a wrestle between the Governor and the legislature as to what the budget should be. To adopt this bill is to do two things. First you are putting this in the RSA. It amends RSA 913 and would say that from now on if it's passed, until it was repealed, that whenever you had a situation where you had not adopted a budget without any further talk between the House and Senate that the prior year's budget would be the budget for the continuing time. Secondly there is no limitation and even if there were because it is an RSA it would continue forever.

If we pass SB 141 we might just as well say that all our ef-

forts were naught because at that point any Governor could say, "as long as I don't sign the budget I have the old budget and the House and Senate are over a barrel." So if you want the legislature to give up its real tool which is the power of the purse, pass SB 141.

Sen. JACOBSON: When was SB 141 introduced to the Senate?

Sen. TROWBRIDGE: I don't know. I'm not the sponsor.

Sen. JACOBSON: When was the hearing held on this bill?

Sen. TROWBRIDGE: In May.

Sen. JACOBSON: Could it not have been possible to have had an earlier hearing?

Sen. TROWBRIDGE: I don't deny at all that we got SB 141, and that it was so premature that I couldn't see how they could have a continuing resolution in April.

Sen. JACOBSON: Did the sponsor of the bill suggest to you the possibility of an amendment?

Sen. TROWBRIDGE: The sponsor mentioned this and I asked for an amendment but the amendment was not prepared by the sponsor of the bill.

Sen. JACOBSON: I don't believe that you ever asked me for the amendment.

Sen. TROWBRIDGE: Well, I did.

Sen. JACOBSON: Is it not common to consider the suggestions and then the committee would offer the amendment?

Sen. TROWBRIDGE: As I remember I was the one who suggested that there should be some limitation and you agreed and then I said that if this was an RSA and it goes for fifteen days, and if there is no budget by that time then the continuing resolution goes on beyond that so that you haven't gained anything. I don't think that the amendment makes that much difference.

Sen. JACOBSON: Is there a difference between the passing of the budget in the Senate and the Committee of Conference Report on the budget?



Sen. TROWBRIDGE: Yes.

Sen. JACOBSON: Is there a time factor?

Sen. TROWBRIDGE: There can be.

Sen. JACOBSON: Historically as far as the 1969 session and 1971 session was concerned on what day did the Committee of Conference Report come in?

Sen. TROWBRIDGE: I believe it came in something like two days before July 1. I agree that that can be a problem, and I am trying my best to avoid that problem.

Sen. JACOBSON: Mr. President, I recognize that there has been tremendous pressure about SB 141 and if it doesn't accomplish anything else it will accomplish the guidelines of pressure. I introduced this bill and I did suggest the possibility of the Senate Finance committee to provide an amendment. In the 1971 session we introduced SB 321 and if the words inexpedient to legislate are defeated I would then introduce this amendment which is precisely the same amendment as SB 321.

Sen. PRESTON: Sen. Jacobson, do I understand that this SB 141 as amended would not continue beyond the first nine days of July?

Sen. JACOBSON: It would not continue beyond the nine days and if an agreement is reached the resolution would lapse.

Sen. TROWBRIDGE: Isn't it true that if you go beyond July 1 as this would, then the legislature is no longer available and you have the very difficult task of getting the House to convene to hear the veto message?

Sen. JACOBSON: That is an assumption that is made, however, we met July 7 the last time and another date in July and two or three days in September in 1971 and passed legislation.

Sen. TROWBRIDGE: But was it of the nature which requires two thirds vote of all those elected membership?

Sen. JACOBSON: I can't answer that question.

Sen. SANBORN: Sen. Jacobson, I note in the Journal of May 22 that there is a HB 991 providing for the continued expenditures of current levels if the budget is not enacted. Do you know the status of this bill?

Sen. JACOBSON: I do not know that.

Sen. SANBORN: How closely do SB 141 and HB 991 resemble each other?

Sen. JACOBSON: I do not know that.

Sen. PRESTON: Mr. President, I've read for several months now about the great confrontation that was to occur between the Governor and the legislature relative to the budget. There seems to have always been this problem. This morning I met with President Nixon and Governor Thomson and discussed SB 141. I would oppose SB 141 without amendment for in my mind the legislative branch would be losing the benefit of all the time it has spent in financial deliberations during this session. President Nixon informed me that he is hopeful that the budget will be complete five days prior to the end of the session. Both the Governor and President Nixon indicated to me a willingness to discuss and negotiate on this matter. I urge my colleagues and the Governor to proceed with the business of finalizing this budget.

Sen. BROWN: Senator Trowbridge, if you are successful in getting the budget into this chamber by June 30, do you still have time to prepare an amendment?

Sen. TROWBRIDGE: If the Governor should want to veto, he can do that, and this would have to go into July 1.

Sen. DOWNING: Mr. President, I rise in opposition to the committee report. I do so with mixed emotions. While I respect what the chairman of Finance has said if SB 141 were to pass it would be bad news for the legislative body. In thinking back on this passed session, there were two points at which the frustration and the futility were just almost unbearable. One was the reapportionment bill and the other was when the budget bill passed out of the committee of conference. I would oppose SB 141 in its present form but I oppose the committee report in consideration of the amendment which will be offered if the pending motion is defeated.

Sen. BRADLEY: Senator Downing, when we get down to the last day isn't it exactly the same situation?

Sen. DOWNING: Yes, with the exception that the time period changes here and you have time after that to react.

## PARLIAMENTARY INQUIRY

Sen. JACOBSON: All I want to say is that if this amendment should pass then nine days would be the issue and the date would be nine days date for expiration.

Roll Call requested by Sen. Brown, Seconded by Sen. Green.

Yeas: Sens. S. Smith, Bradley, Green, Spanos, Nixon, Blaisdell, Trowbridge, Porter, Claveau, R. Smith, Bossie and Foley.

Nays: Lamontagne, Poulsen, Gardner, Jacobson, McLaughlin, Ferdinando, Sanborn, Provost, Brown, Johnson, Downing and Preston.

Result: Yeas 12 Nays 12.

Motion lost.

Sen. Jacobson moved the words ought to pass with amendment be substituted for the committee report.

Roll Call requested by Sen. Provost and seconded by Sen. Green.

Yeas: Lamontagne, Poulsen, Gardner, Jacobson, McLaughlin, Ferdinando, Sanborn, Provost, Brown, Johnson, Downing and Preston.

Nays: S. Smith, Bradley, Green, Spanos, Nixon, Blaisdell, Trowbridge, Porter, Claveau, R. Smith, Bossie and Foley.

Result: Yeas 12, Nay 12.

Motion lost.

Sen. Jacobson moved that SB 141 be laid on the table.

Adopted.

## PARLIAMENTARY INQUIRY

Sen. LAMONTAGNE: I've always felt that neither side could make any motion on this Senate floor. I can remember when once the vote was 12 to 12 and the matter rested in the Senate until one senator happened to be opposite and therefore the matter came up again.

The CHAIR: The motion that was considered inexpedient

was defeated, the report had still to be accepted and the bill was lay for further action and the action of "ought to pass with amendment was offered" and was not successful and finally the motion to lay it on the table was adopted.

Presentation of gavel to Senate President David L. Nixon.

Sen. PORTER: Mr. President, recently at the Senate Banquet you were awarded a gavel and since then it was engraved and I'd like to present this to you.

**SB 217**

relative to the establishment of health service organizations. Ought to pass. Sen. McLaughlin for the Committee.

Sen. McLaughlin moved the words refer to interim study committee on Public Health, Welfare and State Institutions be substituted for the words ought to pass.

Sen. MCLAUGHLIN: Mr. President, there are complications here that we have not been able to square away. We feel this must have further study.

Adopted.

**SB 121**

relative to the transportation of gasoline and fuel oil. Without recommendation. Sen. Claveau for the Committee.

Sen. Claveau moved the words referred to a study committee on Public Works and Transportation be substituted in place of the committee report without recommendation.

Sen. CLAVEAU: Mr. President, the reason for this motion is because we feel that a study committee could provide the needed information on this bill.

Adopted.

**SB 167**

providing for special motor vehicle license plates for justices. Without recommendation. Sen. Claveau for the Committee.

Sen. Claveau moved that SB 167 be laid on the table.

Adopted.

**SB 266**

to approve a road in Merrimack under RSA 162-A:6-b at

private expense. Without recommendation. Sen. Claveau for the Committee.

Sen. Claveau moved that the words ought to pass with amendment be substituted for the words without recommendation.

### AMENDMENT

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Location. The exact location of said road shall be with the approval of the appropriate local officials except that the location of the bridge or overpass and any other crossings of state highways shall be with the approval of the commissioner of the Department of Public Works and Highways with a bridge or overpass over the F. E. Everett Turnpike approximately 1.5 miles to the south of the Merrimack Toll Plaza. The said road shall extend from a point on Route 3, Daniel Webster Highway, approximately 11,000 feet north of the boundary line of the southerly boundary of the Town of Merrimack, westerly and across said Turnpike to a point in the Camp Sargent Road 500 feet south of the northerly boundary of the said Meadowcrest Corporation premises.

Sen. CLAVEAU: This bill would authorize the Metal Press Corporation to build a bridge at their own expense over the Everett Turnpike and the reason for it is to develop industrial land which happens to be on both sides of the turnpike. The amendment requires that this be done with the authorization of both the town of Merrimack and Highway Department and the legislature. And the committee voted that it ought to pass with amendment.

Amendment Adopted. Ordered to third reading.

Sen. McLaughlin moved that the rules of the Senate be so far suspended as to place on second reading at this time a committee report on SB 269 waiving notice of public hearing in the Journal.

Adopted.

### SB 269

relative to gross weight of motor vehicles. Without recommendation. Sen. McLaughlin for the Committee.



Sen. McLaughlin moved that the words ought to pass be substituted for the committee report without recommendation.

Sen. MCLAUGHLIN: Mr. President, this bill in reference to providing a tolerance of 5% on gross weight is strictly up to a law enforcement officer as to whether he will allow this or not. In essence it means that in the north country where there is sometimes heavy snow or mud that it could allow an extra tolerance and the committee was in favor of this.

Adopted. Ordered to third reading.

Sen. Bossie moved that SB 83 be taken from the table at this time.

Adopted.

#### **SB 83**

relative to establishing a study committee to determine feasibility of having domestic relations matters heard before the probate courts. Without recommendation. Sen. Bossie for the Committee.

Sen. Bossie moved substitution of the words referred to a joint interim committee on House and Senate Judiciary for study.

Sen. JACOBSON: Mr. President, I did battle beforehand on SB 83 and I am in 100 percent agreement with Sen. Bossie on his motion to send this to interim study.

Sen. BRADLEY: Senator Bossie, did I understand your motion to include with the bill the amendment which was mentioned?

Sen. BOSSIE: Yes.

Adopted. Referred to Joint Judiciary committee.

#### **SPECIAL ORDER 1:02**

#### **SB 21**

relative to imposing some limitation on the doctrine of sovereign immunity. Ought to pass with amendment. Sen. Bradley for the Committee.

#### **AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

regulating the liability of governmental units in actions  
to recover for bodily injury.

Amend the bill by striking out all after the enacting clause  
and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter  
507-A the following new chapter:

## Chapter 507-B

## Bodily Injury Actions Against Governmental Units

## 507-B:1 Definitions. As used in this chapter:

I. "Governmental unit" means the state or any department  
or agency thereof, or any political subdivision of the state in-  
cluding any county, city, town, precinct, school district, super-  
visory union or departments or agencies thereof, or any other  
body corporate and politic within the state.

II. "Action to recover for bodily injury" means an action  
arising out of bodily injury, including an action brought under  
RSA 556:9-14, whether brought by or on behalf of the person  
actually sustaining bodily injury or brought by any other person  
to whom rights may accrue arising out of such injury, regardless  
of the nature of the damages claimed.

507-B:2 Liability for Negligence. A governmental unit may  
be held liable for damages in an action to recover for bodily in-  
jury caused by its fault or by fault attributable to it, arising out  
of ownership, occupation, maintenance or operation of the fol-  
lowing:

I. All premises, except public streets or highways.

II. All motor vehicles.

507-B:3 Compulsory Consolidation of Actions. All actions  
to recover for bodily injury arising out of bodily injury to one  
person shall be tried together, and not otherwise.

507-B:4 Limit of Liability. Liability of a governmental unit  
for bodily injury sustained by any one person in actions brought  
under this chapter is limited to the minimum required limits  
of automobile liability insurance policies in the state which are  
in effect at the time of the occurrence of the injuries or damages

in question in any particular case. Such limit applies in the aggregate to any and all actions to recover for bodily injury arising out of bodily injury sustained by one person. The jury shall not be informed of such limit, but the court shall abate any verdict to the extent it exceeds the limit prescribed in this section. In actions consolidated under RSA 507-B:3, in the event the verdicts exceed the limit prescribed in this section, the verdicts shall be abated pro rata. Interest and costs may be recovered as in any civil action, in addition to the limit prescribed in this section.

507-B:5 Effect on Common Law. No governmental unit shall be held liable in any action to recover for bodily injury except as provided by this chapter or as is provided or may be provided by other statute. The liability or immunity of a governmental unit in other causes of action is unaffected by this chapter.

2 Exception to Liability Limit. Amend RSA 412:3, by striking out said section and inserting in place thereof the following:

412:3 Procured by Governmental Agency. It shall be lawful for the state or any municipal subdivision thereof, including any county, city, town, school district, supervisory union or other district, to procure the policies of insurance described in section 1 of this chapter. In any action against the state or any municipal subdivision thereof to enforce liability on account of a risk so insured against, the insuring company or state or municipal subdivision thereof, shall not be allowed to plead as a defense immunity from liability for damages resulting from the performance of governmental functions, and its liability shall be determined as in the case of a private corporation. Provided, however, that liability in any such case shall not exceed the limits of coverage specified in the policy of insurance, or in RSA 507-B:4, whichever is higher, and the court shall abate any verdict in any such action to the extent that it exceeds such limit.

3 Effective Date. This act shall take effect January 1, 1974 and shall apply only to causes of action accruing on and after that date.

Sen. BRADLEY: Mr. President, this was a bill introduced by yourself. It makes very limited specified exceptions to the Doctrine of Sovereign Immunity which is the doctrine that says that you can't sue municipalities and the state. Now at the pres-

ent time the law is that if the municipality has liability insurance you may sue the municipality for whatever amount that municipality is insured for. This bill would go beyond that point in a couple of limited ways. It would provide that you could sue for damages arising out of the operation and maintenance of premises but not including public streets and highways or from the operation of motor vehicles. This is further limited only to the amount of the minimum requirements of automobile liability policy which we have in the financial responsibility law. So basically we are talking about a limit on this to twenty-five thousand. This does not apply to governmental-type functions. It does not apply to what selectmen might do in their official capacity.

Sen. SPANOS: Sen. Bradley, you are saying that the limit on automobile accidents would be the financial responsibility minimum or 25 thousand. How does it work for state liability?

Sen. BRADLEY: The limit is picked up from the financial responsibility law.

Sen. FERDINANDO: Is there anyone in opposition to this bill?

Sen. BRADLEY: Yes, there were several people who appeared in opposition. Two from Manchester, one from Keene and Mr. Mann of the municipal association. They appeared in opposition to the original bill which was somewhat broader than this particular bill. This bill is an attempt to deal specifically in respect to the doctrine of sovereign immunity.

Sen. POULSEN: Every summer in the town of Littleton we are faced with two or three proposals of lawsuits by summer residents of the town of Bethlehem who stumble on sidewalks or do other damage to themselves. Would this bill help our position or make it worse?

Sen. BRADLEY: This bill would not change your position at all.

Sen. POULSEN: Does this bill make it necessary for towns to carry insurance that do not now?

Sen. BRADLEY: It doesn't mandate it, but here again it would seem to me that a town would want to consider whether or not it should take out liability policy for a minimal amount.

Sen. JACOBSON: Mr. President, I rise in support of the amendment. I was very much opposed to the bill as originally written because of certain considerations with regard to decisions that selectmen and councilmen and planning board members would have to make. I think what this bill does is simply say that anyone who manages the town hall or city hall has to keep it in proper order.

Amendment Adopted.      Ordered to third reading.

Sen. Brown moved that SB 183 be taken from the table at this time.

Adopted.

### **SB 183**

establishing a limit on the issuance of greyhound racing licenses to within forty miles of existing greyhound tracks. Inexpedient to legislate. Sen. Brown for the Committee.

Sen. Brown moved that the words ought to pass be substituted for inexpedient to legislate.

Sen. BROWN: Mr. President, SB 183 changes the Greyhound statutes to read that, "No license shall be given to conduct races in any place within forty miles of another place where a license has been issued." I feel that the state is in partnership with this and I urge its passage.

Sen. Downing moved that SB 183 be indefinitely postponed.

Sen. DOWNING: Mr. President, the committee had a hearing on this bill and the decision of the committee was that it should be inexpedient to legislate. We couldn't see any need for the legislation, as there are already two locations that are in conflict with it.

Sen. Blaisdell moved that SB 183 be recommitted to the committee on Ways and Means.

Sen. FOLEY: If you recommit this at this late date aren't you really killing the bill?

Sen. BLAISDELL: Not necessarily Senator. This would depend upon what the Ways and Means Committee wanted to do.



Sen. BROWN: When we discussed this bill did I not tell you at that time that I did not intend to vote against my own bill?

Sen. BLAISDELL: Yes, after the committee report was in.

Sen. BROWN: Mr. President, I rise in opposition to the pending motion. I believe that the time is late and we should vote against it.

Sen. DOWNING: Sen. Brown, what makes you think that the racing commission will act in any way other than a prudent manner in the licensing of race tracks?

Sen. BROWN: I see none as yet but there's nothing on the statutes that says that they cannot do it.

Sen. GREEN: Sen. Brown, does this bill pertain just to greyhound racing?

Sen. BROWN: Yes, it does.

Sen. GREEN: In this bill in reference to the forty mile radius does this bill take that decision in essence away from the Greyhound Commission?

Sen. BROWN: Not as long as they are within the forty mile provision.

Sen. GREEN: Does the Greyhound Commission at this time have the authority to terminate?

Sen. BROWN: At this time.

Sen. GREEN: Is the purpose of this bill to protect the Greyhound Racing Commission or the interests of the state?

Sen. BROWN: My concern in this is for the state.

Sen. BLAISDELL: Sen. Downing, do I understand that if we take the bill back to committee that there will be time to work on this?

Sen. DOWNING: It would be up to the pleasure of the committee.

Sen. BROWN: Mr. President, I rise in support of that motion because there is a problem with the Grandfather Clause.

Sen. BLAISDELL: I amend my motion to refer to interim study committee on Ways and Means for further study.

Adopted.

**SB 219**

providing required primary coverage for motor vehicle insurance. Without recommendation. Sen. Ferdinando for the Committee.

Sen. FERDINANDO: The committee had a hearing this morning. There were three or four amendments which in essence made three or four new bills, and there were serious ramifications with each one. And the committee felt that if you were going to do it that we should take the time to come out with a good no fault bill. And if we couldn't do it that it was better to leave the bill in committee and wait for whatever action they may take.

Sen. Bradley moved that the words ought to pass be substituted for the words without recommendation.

Sen. DOWNING: Isn't it true that we are just amending the reports?

THE CHAIR: What you say is true Senator.

Sen. JACOBSON: Senator, does this bill have any thresholds?

Sen. BRADLEY: The bill as proposed does not.

Sen. JACOBSON: Could you explain to me the "no fault" aspect of this bill?

Sen. BRADLEY: The "no fault" concept in automobile reparation cases is that the person who gets injured goes to his own insurance company to get compensated for his economic loss, without regard as to whether or not he is at fault.

Sen. Ferdinando moved that SB 219 be recommitted to the committee on Banks, Insurance and Claims for interim study.

Sen. BROWN: Is it possible to hear this before we adjourn?

Sen. FERDINANDO: Realizing that there are four bills to consider it is a very complex bill and if we send it to the House we'll never get a chance to digest it the way it should be.

Sen. TROWBRIDGE: Senator Bradley, is this the only SB with "No Fault"?

Sen. BRADLEY: Yes, it is.

Sen. TROWBRIDGE: Is it not true that not only are we concerned with the right to sue or not sue but there is another aspect of no fault and that is the speed of recovery regardless of who eventually pays down the line. Is that not an aspect?

Sen. BRADLEY: Yes, that is a big aspect of it. And that is what SB 219 would certainly accomplish.

Sen. JOHNSON: Mr. President, I rise in support of Senator Ferdinando's motion.

Sen. LAMONTAGNE: Senator Johnson, can you tell us how the amendment got in there?

Sen. JOHNSON: I am unable to tell you that.

Sen. JACOBSON: The amendment was printed in today's Calendar as it was my amendment that I proposed to SB 219 and in order that it was printed the clerk was asked to put it in.

Sen. LAMONTAGNE: Senator, can you tell us if this amendment was proposed to the committee this morning?

Sen. JACOBSON: It was not.

Sen. SANBORN: I was interested Senator, as to your remarks as to how this bill came into being, and I noticed that you said that you and Sen. Bradley had spent about two weeks digesting it. Don't you think that we should have some time to do the same?

Sen. SPANOS: I am not going to deny that at all, Sen. Sanborn. I concur that I think a matter of this significance does deserve time.

Division: Yeas 12, Nays 10.

Adopted.

## SB 196

relative to collective bargaining rights of public employees. Ought to pass with amendment. Sen. S. Smith for the Committee.

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after RSA 273 the following new chapter:

### Chapter 273-A

#### Collective Bargaining in Public Employment

273-A:1 Declaration of Policy and Purpose. The legislature of the state of New Hampshire declares that it is the public policy and purpose of this chapter to promote harmonious and cooperative relationships between public employers and their employees, and to protect the public generally by assuring at all times the orderly and uninterrupted operation of government. These policies are best effectuated by:

I. Acknowledging the rights of public employees to organize for the purpose of negotiating and bargaining collectively;

II. Acknowledging the duty of public employers and employees to negotiate in good faith with respect to salaries, wages, other direct economic benefits and on such matters including terms of employment as the parties may mutually agree upon providing the public employer retains the right:

- (a) to direct the work of their employees;
- (b) to hire, promote, demote, transfer, assign, and retain employees in positions within the public agency;
- (c) to suspend or discharge employees for just cause;
- (d) to maintain and strengthen the efficiency of governmental operations;
- (e) to relieve employees from duties because of lack of work or for other legitimate reasons;
- (f) to take actions as may be necessary to carry out the mission of the government; and
- (g) to determine the methods, means and personnel by which operations are to be carried on, except that the parties may agree to procedures to be followed in dealing with the employment of public employees including a grievance procedure.

III. Providing assistance through the state labor department and the department of education, as provided herein, to resolve disputes in certain instances between public employers and their employees; and

IV. Continuing the prohibition against strikes or work stoppages by public employees and providing penalties for violation of such prohibition.

273-A:2 Definitions. As used in this chapter, the following words and phrases shall have the indicated meanings, unless the context clearly indicates otherwise:

I. The term "commissioner" means the commissioner of labor except when otherwise stated on matters pertaining to public education.

II. The term "public employee" means any employee of a political subdivision of the state of New Hampshire, except temporary and seasonal employees and elected or appointed officials or other persons in policy making or confidential positions, whose participation or activity in an employee organization would be incompatible with law or the duties of his position. Administrators and supervisors, while having the right to membership in any local, state or national employee organization, may not be included in the same bargaining unit which also includes persons who are in fact directed, evaluated, and supervised by such administrators and supervisors.

III. The term "public employer" means any political subdivision of the state, including, without limitation, any town, city, county, district, school board, local social service or welfare agency, municipal and quasi-public corporation, housing authority or other municipal authority or municipal public agency established by law which employs five or more public employees, and any person or persons designated by the employer to act in its interest in dealing with employees.

IV. The term "employee organization" means any organization or union whose primary purpose is:

(a) to secure for its membership by means of collective bargaining the most advantageous contract terms;

(b) to represent its membership in the settlement of disputes and grievances and in the validation of rights set forth in written agreements.

V. The term "exclusive representative" means the employee organization which has been certified by the commissioner as the representative of the majority of public employees in appropriate units.



## 273-A:3 Recognition and Elections.

I. Any public employer shall recognize an employee organization designated by a majority of the employees in the appropriate unit to represent them for the purposes of collective bargaining.

II. If the commissioner receives a petition from one or more employees, or from an employee organization acting in their behalf, showing that thirty percent of the employees of the appropriate unit:

(a) wish to be represented for collective bargaining by an employee organization as exclusive representative; or

(b) assert that the employee organization then certified by the commissioner is no longer the representative of the majority of the employees in the bargaining unit.

III. The commissioner shall investigate the petition and require an election within thirty days upon receipt of the petition, an election to be held to determine the employees' wishes on collective bargaining representation.

(a) when there is no recognized or certified exclusive representative or an election has not been held within the three preceding years, a petition for an election may be filed at any time.

(b) when a challenge to the representative status of an incumbent exclusive representative is filed, it must be filed not more than one hundred eighty or less than sixty days prior to the terminal date of the agreement.

(c) when the extension of an agreement or renewal clause has been signed more than sixty days before its terminal date, such extension or renewal clauses shall not serve as a basis for the denial of a petition submitted in accordance with the time limitations provided herein.

(d) the results of any election shall be certified by the commissioner within fifteen days of the election.

IV. If the commissioner receives a petition from a public employer showing that one or more employee organizations have asked to be recognized as a representative of the employees or claims to represent a majority of the employees, the commis-

sioner shall investigate the petition and make a decision on holding an election.

V. Cost of all investigations, hearings and elections shall be shared proportionately by all parties involved.

VI. All investigations, hearings and elections shall be conducted under rules and regulations determined by the commissioner.

VII. The ballots shall include the choice of "no representation".

VIII. Any party of record aggrieved by an order of the commissioner shall be entitled to judicial review with the filing of a petition in the superior court.

273-A:4 Unresolved Issues Submitted for Mediation or Fact Finding.

I. If the representatives of the employee organization and the public employer are unable to reach an agreement on a contract within forty days after the date of their first meeting, either of them may request mediation upon any unresolved issues by a mediator from a list of persons supplied to the commissioner by a professional association of neutrals in the labor relations field. If the employees are public school employees the list will be supplied by the commissioner of education and in all other cases by the commissioner of labor. Costs of mediation shall be borne equally by both parties. If the mediation is not requested or if it is not successful, and if the parties still do not agree on all issues, after the expiration of seventy-five days from the first meeting, either party may request fact finding.

II. The procedure to be followed if either party requests fact finding is as follows:

(a) within seven calendar days after the request is made in writing by one party to the other, the two parties shall designate a person or organization mutually acceptable to both. If they are unable to agree upon such person or organization within ten days, the person or organization shall be selected by the commissioner of education, if the bargaining pertains to public school employees and in all other cases the selection shall be made by the commissioner of labor, from a list of persons supplied by a professional association of neutrals in the labor relations field.

(b) the fact finder shall hold a public hearing within ten calendar days after his appointment and shall give at least seven days notice in writing to the negotiating or bargaining agents and the commissioner of the time and place of the meeting. Any documentary evidence and other data deemed relevant by the fact finder may be received in evidence. The fact finder has the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, production of books, and other public records relative or pertinent to the issues presented to him for determination.

(c) the hearing shall be concluded within twenty days, and within ten days thereafter, the fact finder shall mail his findings and opinion on the issues to the negotiating or bargaining agents. The report may be made public by either party. The parties shall then resume negotiation and bargaining based on the report, but the report shall not be binding on either party.

(d) costs of such fact finding shall be borne equally by both parties.

#### 273-A:5 Resolution of an Impasse in the Course of Collective Bargaining.

I. For the purposes of this section, an impasse is deemed to exist if the parties fail to achieve agreement at least ninety days prior to the budget submission date of the public employer. If an impasse exists, the public employer shall promptly file a notice to this effect with the commissioner of education if the bargaining is between public school employees and their employers, and in all other cases with the commissioner of labor.

II. If the impasse is not resolved at least sixty days prior to the budget submission date, the commissioner of education with regard to public education or the commissioner of labor for all other public employment shall appoint, unless fact finding has already been requested by either party, one or more fact finders. The fact finding shall be in accordance with the procedures set forth in RSA 273-A:4 except that the fact finder shall make public his findings and recommendations if the impasse is not resolved at least forty-five days prior to the budget submission date.

273-A:6 Personal Rights of Employees. Nothing in the foregoing shall prevent any employee, regardless of member-

ship in an employee organization, from bringing matters of personal concern to the attention of the public employer in accordance with applicable law, regulation or established policy.

273-A:7 Prerogatives of Public Employers. Nothing herein shall be construed as permitting public employers to bargain or negotiate on matters which would tend to delegate or abrogate the elective or legislative obligations vested in such boards by law.

273-A:8 Enforcement.

I. Any action at law or in equity which under the laws of New Hampshire may lie against any individual, corporation or association shall lie against any employee organization which represents or seeks to represent public employees under this section. Service on the employee organization may be made on an agent or officer thereof.

II. In the event that the public employer or the employee organization considers the other party to be in violation of an existing contract, the provisions of this section, or any unfair labor practice as defined under the National Labor Relations Act, it may institute proceedings to obtain an exparte injunction prohibiting such activity and in the event any order or decree entered by the court in such proceeding is violated, the county attorney for the county in which such violation occurs shall institute contempt proceedings in support of the injunctive relief.

273-A:9 Filing of Agreements. The parties shall file a copy of the agreement, or any amendments thereto with the commissioner not later than thirty days after.

273-A:10 Strikes Prohibited. A strike or work stoppage which would substantially disrupt the government service or would endanger the public health, safety or welfare of the citizens of the municipality or state, such action is illegal, and is prohibited. A public employer shall be entitled to injunctive relief in the appropriate superior court if a strike occurs in violation of the provisions of this section, and may be awarded costs and reasonable legal fees in addition at the discretion of the court.

273-A:11 Severability. Should any provision of this chapter be adjudicated invalid, the remainder shall remain valid.



2 Repeal. RSA 105-B relative to police organization is hereby repealed.

3 Effective Date. This act shall take effect July 1, 1973.

Sen. S. SMITH: Mr. President, SB 196, introduced by Sen. Spanos and Sen. Nixon, had a hearing a week ago and yesterday another hearing was held on SB 196. What this bill does in effect is to set up a means for collective bargaining in public employment for municipalities and for teachers. It covers all municipal districts or sub-division types of employees including housing authorities etc. The committee at the end of the hearing with all parties present, it was stated that the bill was an important piece of legislation.

Sen. PROVOST: Would you explain the number to repeal?

Sen. S. SMITH: This would remove the present police law and put them into this.

Sen. GREEN: This bill when it first appeared in the Education committee it resulted in a great deal of controversy because there were a lot of people concerned that the employees were getting top hand in this legislation. Since that time, with the rehearing and having had the opportunity for all concerned to get together this amendment has been drawn up. I would like to point out that binding arbitration is not part of the bill. There is a no strike clause in the bill, which I think we all should be aware of. It does establish a procedure under which negotiations will take place. It does not try to identify one group of employees, it is an attempt to include all.

Sen. SANBORN: Sen. Green, if this employees organization gets formed and they negotiate relative to wages, and so forth — now if this town happens to be under the municipal budget act and the budget committee may say that this is too much money, what would happen then?

Sen. GREEN: I think the bill is quite clear in saying that the negotiations will be in respect to salary wages and other direct benefits. If the town or the school board had a budgetary limitation on salaries then I think that certainly has to remain under the lawful responsibilities of the municipalities.

Sen. SANBORN: Say you have a community with twenty



employees and 19 of them choose to belong to an employee organization and one of them says no; is he then compelled to belong?

Sen. GREEN: No, there is nothing in here that does that.

Sen. BRADLEY: Senator Green, you are probably aware that the House has passed a bill on the same subject matter dealing with teachers. In that particular bill there was a section which says that nothing in the chapter enacted in that House bill will be construed to require the appropriation of any money for any purpose, and no agreement shall be effected except to the extent that money shall have been appropriated sufficient to carry out the terms thereof. Are you telling us that it is implicit in this bill for this type of provision?

Sen. GREEN: What I am saying Senator is that there is a law now that it is the full responsibility and authority of the city council to determine how much money can be spent for any purpose.

Sen. PORTER: Senator Smith on page five of the bill related to Roman numeral five talking about the cost of all investigations and hearings etc. Can you give me any estimate as to what these costs might be?

Sen. GREEN: I cannot give you cost on that but I do believe that this would be between the employer and the employee.

Sen. NIXON: Mr. President, I rise in support of the committee amendment and with it the passage of SB 196. I do not propose to be an expert but my purpose on rising is to give to the Senate the philosophy behind this bill. One of the things that has impressed me in a negative way about the current status of labor management with respect to all public employees in New Hampshire is the fact that there is no framework, or procedure within which an orderly disposition in respect to salaries particularly, can be worked out. And as a result we have confrontations or you have races to the courthouses seeking injunctions. These are expensive. It seems to me that it's high time to provide a vehicle for the rational and reasonable orderly resolution of teacher and school disputes, municipal employees, councilmen and mayor and aldermen disputes in respect to these areas.

Sen. TROWBRIDGE: Sen. Nixon, one of the House mem-

bers asked me why was it that SB 196 covered both teachers and public employees and somehow he intimated that it would be better to have the teachers in one bill and public employees in another. Do you have any comment on that?

Sen. NIXON: The only comment I have on that is from having watched with some dismay the problem of bills of a similar nature is that misunderstanding sometimes occurs and everything goes down the drain.

Sen. JACOBSON: Sen. Smith, on page one "public employers and parties," does this mean that the selectmen on their own authority may enter into the various listed items under Roman numeral two?

Sen. S. SMITH: No, I think it's excluding them.

Sen. JACOBSON: Who is the public employer then for the employees of the road maintenance etc.?

Sen. S. SMITH: I think this would be the board of selectmen.

Sen. JACOBSON: If it excludes the selectmen, then who is the public employer with whom they may mutually come together on this?

Sen. S. SMITH: It excludes A, B, C, and D through G. The public employer being the selectmen.

Amendment Adopted.

Sen. Bradley moved the following amendment.

#### AMENDMENT

Amend RSA 273-A:3, I, as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. Any public employer shall recognize an employee organization, designated by a majority of the employees in the appropriate unit to represent them, for the purposes of collective bargaining within the scope of negotiations set forth in RSA 273-A:1, II.

Sen. BRADLEY: Mr. President, all this amendment does is add to the end of Roman numeral I the phrase, "within the

scope of negotiations set forth in RSA 273 II." This will make clear the intent of the agreement which Sen. Smith mentioned in that there was an agreement with respect to 196 as to the scope of negotiations. Now the scope was defined in paragraph one of the amendment. It seemed to me and others that that wasn't a very binding way to lay out the scope and that the scope of the bargaining ought to be in the operation of the statutes.

Sen. GREEN: I like to rise in support of the amendment by Senator Bradley.

Sen. S. SMITH: Mr. President, I've found that there is complete agreement with this amendment.

Amendment Adopted. Ordered to third reading.

#### **SB 34**

relative to requiring certain foreign corporations to file a copy of their corporate charter and a copy of their record of organization with the secretary of state. Without recommendation. Sen. Jacobson for the Committee.

Sen. Blaisdell moved that SB 34 be laid on the table.

Adopted.

Sen. Blaisdell moved that SB 34 be taken from the table.

Adopted.

#### **SB 34**

relative to requiring certain foreign corporations to file a copy of their corporate charter and a copy of their record of organization with the secretary of state. Without recommendation. Sen. Jacobson for the Committee.

Sen. Jacobson moved the words ought to pass with amendment be substituted for the words without recommendation.

### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

relative to requiring certain foreign corporations to file a copy

of their corporate charter and a copy of their record of organization with the secretary of state and relative to the content of annual returns of corporations and other associations.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Contents of Annual Returns. Amend RSA 294:106 (supp), as amended, by inserting in line six after the first word, "and", the following (resident) so that said section as amended shall read as follows:

294:106 Contents of Returns. The returns shall be signed under the penalties of perjury by the president or a vice-president and by the treasurer or assistant treasurer of a corporation and shall state the address of its principal office in this state and elsewhere in the case of a corporation organized to do business wholly outside the state, the names and resident addresses of all the directors and officers of the corporation, the amount of its authorized capital stock, the amount, number of shares and the par value thereof, if any, of its stock issued and outstanding, its total amount of assets and total amount of liabilities, exclusive of capital stock, and its surplus or deficit, if any, as appearing on its books or so far as the same can be otherwise ascertained, as existing on the first day of the preceding January, or as existing on the last day of its fiscal year preceding said first day of January.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. JACOBSON: Mr. President, SB 34 is a "clean up" bill which will require foreign corporations to register to do business in this state to file the with secretary of state their records or organizations.

Sen. LAMONTAGNE: I accept the amendment.

Amendment Adopted. Ordered to third reading.

#### SUSPENSION OF JOINT RULES

Sen. Bradley moved suspension of the Joint Rules to allow for the introduction of a constitutional amendment beyond deadline. Division: Yeas 19, Nay 0.

Adopted.

Sen. Bradley moved that the rules of the Senate be so far suspended as to permit introduction of a committee report waiving notice in the Journal.

Adopted.

### **CACR 33**

Relating To: Special Sessions of the General Court. Providing That: A majority of the members of the general court may call a special session of the general court.

Sen. BRADLEY: This is a constitutional amendment which passed the House virtually unanimously. The present constitution requires the two thirds vote of the legislature to call itself back into session. This would lower that requirement to a majority vote. I'm told that the constitution used to read this way but in 1959 it was changed as part of several other changes.

Adopted. Ordered to third reading by Division: Yeas 19, Nays 0.

Sen. Bradley moved that CACR 33 be placed on third reading and final passage at this time.

Adopted.

### **Third reading and final passage**

CACR 33, Relating To: Special Sessions of the General Court. Providing That: A majority of the members of the general court may call a special session of the general court.

Division: Yeas 19, Nay 0.

Adopted.

Sen. Bradley moved reconsideration of CACR 33.

Motion lost.

Sen. Bradley moved suspension of the rules to allow introduction of a committee report not previously advertised in the Journal.

Adopted.

### **CACR 23**

Relating To: Increasing the Membership of the Senate, Changing Senate Quorum Requirements, and Providing for Apportionment. Providing That: The Membership of the Sen-



ate shall be Increased to Thirty-six, Changing Senate Quorum Requirements, and Providing Apportionment. Be referred to the Constitutional Convention for consideration. Sen. Bradley for the Committee.

Adopted.

### SPECIAL ORDER OF BUSINESS

#### **SB 131**

relative to a mandatory penalty for illegal sales of narcotics for profit. Without recommendation. Sen. Green for the Committee.

Sen. Green moved that the words ought to pass be substituted for the committee report without recommendation.

Sen. GREEN: Mr. President, last evening this bill came on the floor in Sanbornton. SB 131, which is sponsored by Senator Poulsen and myself, is a bill which establishes a mandatory sentence for selling drugs or pushing drugs for profit. The question usually comes up that we must have respect for the judicial system. I don't see in any way how this bill leans on the respect. This says that there will be a mandatory term of five years if you are convicted for selling drugs for profit. It does say that in reference to these five years that if you are a person who has a habit that you may receive treatment rather than confinement and those years spent in treatment will be deducted from the total of five years.

Sen. BRADLEY: You indicated that you thought that you were doing this as a favor to the judges in judiciary. Can you tell us if any members of the judiciary have asked for this particular favor?

Sen. GREEN: I have not been asked, but I have inquired with two members of the judiciary branch and I have not received all that negative a response.

Sen. BRADLEY: Are these judges of the superior court?

Sen. GREEN: Yes, they are.

Sen. BRADLEY: Aren't you saying in effect by proposing this bill that we here sitting today are better able to determine what an appropriate penalty is in all of the cases that will come up under this section than the judges who in each case has heard all of the evidence and the facts?

Sen. GREEN: No, that's not what I'm saying. What I am saying that it is as much the responsibility of the legislative government when they identify a problem to provide a solution or legislation that will deal with that problem.

Sen. BRADLEY: Haven't we already dealt with the problem?

Sen. GREEN: I think that a minimum puts the question on hand really in line.

Sen. SANBORN: Isn't it true that the people who seem to be able to push or sell these hard drugs around the state are actually the ones who are creating the drug problem in the state of New Hampshire?

Sen. GREEN: Yes, I agree with you.

Sen. PORTER: How do you establish that the person is selling drugs for profit?

Sen. GREEN: This means for financial remuneration I'm sure.

Sen. PORTER: This does not include the possession? Why not?

Sen. GREEN: Because at that time they are not selling it for profit.

Sen. BRADLEY: I rise in opposition to this bill. I have to say at the outset that obviously I'm not in favor of people selling drugs and I agree that the legislature ought to have stiff laws and penalties provided for such an offense. However, I do not think that the answer is through the evidence of mandatory penalties. This has become an emotional kind of thing and history has shown that mandatory penalties simply don't work. The penalty in each case can only be decided by the particular judge which has been on the case.

Sen. GARDNER: I agree with Sen. Green. I don't think you'll ever stop this selling of drugs unless the penalty is stiff enough to discourage it.

Let the record show that Sens. R. Smith, Bradley and Porter voted against SB 131.

Adopted.      Ordered to third reading.

Sen. Poulsen moved that we place SB 131 on third reading and final passage at this time.

Adopted.

Third reading and final passage

SB 131, relative to a mandatory penalty for illegal sales of narcotics for profit.

Adopted.

Sen. Spanos wished to be recorded as being against the motion.

Sen. Poulsen moved reconsideration at this time on SB 131.

Motion lost.

### SPECIAL ORDER OF BUSINESS

Sen. Porter moved that the rules of the Senate be so far suspended as to allow committee report on HB 226 without proper notice of hearing in the Journal.

Adopted.

#### **SB 226**

relative to the sale or possession of certain quantities of heroin. Without recommendation. Sen. Porter for the Committee.

Sen. Porter moved that the words ought to pass be substituted for without recommendation.

Sen. PORTER: Mr. President, it seems academic to move ought to pass at this point. SB 226 is a little different bill than SB 131, The bill was introduced on behalf of the Attorney General and to explain the bill it makes it a felony to possess or to hold for sale anything greater than two and one half ounces of heroin. It establishes a ten year mandatory sentence without an eligibility for an earlier release. If that person convicted is found an addict he may be sent to New Hampshire Hospital for treatment. A second offense would yield a mandatory sentence of twenty five years.

Sen. Green moved that SB 226 be indefinitely postponed.

Sen. GREEN: I am afraid that this might negate some of the language in SB 131 and I also feel that the major part of this bill is covered in SB 131.

Adopted.

Sen. Ferdinando moved Reconsideration on SB 219.

Motion lost.

Sen. Claveau moved that SB 167 be taken from the table.

**SB 167**

providing for special motor vehicle license plates for justices.

Sen. Claveau moved that SB 167 be referred to an interim study committee on Public Works and Transportation.

Adopted.

Sen. Brown moved that SB 257 be taken from the table at this time.

Adopted.

**SB 257**

relative to regulation of refrigeration technicians. Without recommendation.

Sen. Brown moved that the words ought to pass be substituted for without recommendation.

Sen. BROWN: SB 257 establishes a five member board of refrigeration technicians to examine and license all person engaged in the business of installing, or serving equipment having to do with refrigeration.

Adopted.

Sen. Brown moved the following amendment.

**AMENDMENT**

Amend RSA 331-C as inserted by section 1 of the bill by inserting after section 11 the following new section:

331-C:12 Exemption. The provision of this chapter shall not apply to any person doing work in his own domicile, or to the work normally performed by an employee of any manufacturer within the employer's manufacturing facility or by an electric utility or by a telephone or communication company on their own equipment.

Sen. DOWNING: Mr. President, I rise in support of the

bill despite the committee report that it should go to research. I do feel that the Senate should consider as to whether this bill should go to the Finance committee for further research.

Sen. BROWN: This board is set up under the Commissioner of Labor and he has been approached on this part of the bill and he says this can be implemented.

Amendment adopted.

Sen. Trowbridge moved that we dispense with referral to Finance in regards to SB 257.

Adopted.      Ordered to third reading.

Sen. Porter moved that in accordance with the list in the possession of the Clerk, the following House Bills shall be, by this resolution, read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading and referral

HJR 44, establishing a committee to study and report on the current program and future needs of the water supply and pollution control commission. Referred to Resources and Environmental Control.

HJR 12, appropriating funds to the towns of Pittsburgh and Clarksville in lieu of taxes on Murphy Dam on Lake Francis. Referred to Finance.

HJR 32, establishing an interim study committee to study an administrative procedure act and draft a legislative proposal and making an appropriation therefor. Referred to Judiciary.

HB 974, relative to the high school equivalency examination. Referred to Education.

HB 937, relative to abusive treatment of horses. Referred to Recreation and Development.

HB 966, relative to remedies and penalties for violations of laws relating to tidal waters. Referred to Resources and Environmental Control.

HB 1017, relative to hunting in special designated areas



by certain disabled persons. Referred to Recreation and Development.

HB 939, relative to competitive bidding on purchases made by counties. Referred to Executive Departments, Municipal and County Governments.

HB 942, relative to reassessment of taxable property. Referred to Ways and Means and Administrative Affairs.

HB 965, requesting a rehearing before the zoning board of adjustment by the board of selectmen. Referred to Executive Departments, Municipal and County Governments.

HB 934, relative to the composition of the ballot law commission. Referred to Executive Departments, Municipal and County Governments.

HB 947, amending the definition of "charitable organizations" for conducting raffles. Referred to Judiciary.

HB 988, establishing a third New Hampshire state song. Referred to Recreation and Development.

HB 901, relative to the exemptions on real property taxes granted to the blind. Referred to Ways and Means and Administrative Affairs.

HB 941, extending the appraisal period and the recapture of tax revenues under the current use assessment law. Referred to Executive Departments, Municipal and County Governments.

HB 936, permitting an access on Route 28 in the town of Allenstown. Referred to Public Works and Transportation.

HB 74, relative to regulation of the practice of pharmacy. Referred to Public Health, Welfare and State Institutions.

HB 272, increasing the sum paid for care of mentally ill persons in foster homes. Referred to Public Health, Welfare and State Institutions.

HB 388, relative to conducting aerial photographic surveys and obtaining aerial photographs and making an appropriation therefor. Referred to Recreation and Development.

HB 429, relative to the elimination of citizenship requirements for public assistance and relative to the local share of

assistance in old age assistance, and aid to permanently and totally disabled and work incentive program. Referred to Public Health, Welfare and State Institutions.

HB 503, establishing an administrative procedures act and making an appropriation therefor. Referred to Judiciary.

HB 843, establishing a post secondary education commission to absorb the coordinating board of advanced education and accreditation and the New Hampshire higher education facilities commission. Referred to Education.

HB 920, relative to the taxation of railroads. Referred to Ways and Means and Administrative Affairs.

HB 759, permitting access from Rockingham Boulevard to a tract of land on the southerly side thereof. Referred to Public Works and Transportation.

HB 858, relative to the maintenance and protection of unused covered wooden bridges. Referred to Public Works and Transportation.

HB 913, relative to the advertising of liquor and beverages. Referred to Ways and Means and Administrative Affairs.

HB 869, creating enabling legislation to permit a local option homeowners' exemption applied to property taxes upon approval by referendum. Referred to Ways and Means and Administrative Affairs.

HB 642, changing the name of the Belknap County recreational area and commission; increasing the compensation of the members of the commission and increasing the amount of earnings which may be retained by the commission. Referred to Belknap County Delegation.

HB 928, relative to the sale of fresh water fish raised outside of the state. Referred to Recreation and Development.

HB 610, relative to revisions of existing statutes imposing fines over fifty and not more than one hundred dollars which constitute violations for natural persons and misdemeanors for any other persons under the provisions of the criminal code. Referred to Judiciary.

HB 798, dealing with Unemployment Compensation. Referred to Ways and Means and Administrative Affairs.

HB 889, providing for settlement of disputes between public school teachers and school district or supervisory unions and for other purposes. Referred to Education.

HB 661, providing for persons sixty-five years or older to apply for a tax lien on real estate. Referred to Ways and Means and Administrative Affairs.

Adopted.

### COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred House Bill No. 101, An Act relative to aircraft financial responsibility, having considered the same report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each adopt the following new amendment to the bill and pass the bill as so amended:

### AMENDMENT

Amend RSA 422-A:3, I, (a) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(a) The operator of any aircraft involved in an accident within this state in which any person is killed, or in which any person is seriously injured, or in which the aircraft is destroyed or has substantial damage, or in any case in which the aircraft sustains damage in excess of five hundred dollars, shall immediately, and by the most expeditious means available, notify the New Hampshire aeronautics commission at its headquarters in Concord.

Sen. Andrew W. Poulsen, Dist. 2  
Sen. John H. McLaughlin, Dist. 13  
Sen. Laurier A. Lamontagne, Dist. 1  
Sen. William E. Sanborn, Dist. 17  
Sen. Robert F. Preston, Dist. 23  
Conferees on the Part of the Senate

Rep. Stanley A. Hamel, Rock. 11  
Rep. David C. Nutt, Grafton 13  
Rep. Shirley K. Merrill, Grafton 14  
Rep. Ernest R. Coutermarsh, Hills. 24  
Rep. Gerald G. Woods, Rock. 22  
Conferees on the Part of the House

Sen. Downing moved that the Senate adopt the Committee of Conference Report.

Adopted.

### HOUSE MESSAGE

#### HOUSE ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

SB 28, relative to a bill of rights for mobile home park tenants.

The Speaker has appointed as members of said committee on the part of the House: Reps. Mann, Townsend, Hanson and Randlett.

Sen. Poulsen moved that the Joint Rules be so far suspended as to allow an introduction of a resolution beyond the deadline.

Adopted.

Sen. Poulsen moved that the rules of the Senate be so far suspended as to permit introduction of a resolution without previous notice in the Journal.

Adopted.

#### SCR 9

memorializing the commissioner of Public Works and Highways to proceed with the construction of the Nashua-Hudson Circumferential Highway as rapidly as funds become available. Inexpedient to legislate. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, the committee in going over the hearing determined that while the thought is good the very fact that we memorialize the state of New Hampshire though this particular job may be destroying the priorities of work as outlined by the Highway Department. For that reason we move that it be inexpedient to legislate.

Sen. Claveau moved that the words ought to pass be substituted for inexpedient to legislate.

Sen. CLAVEAU: I can't understand why you are moving to have this motion be inexpedient to legislate. It was written by Commissioner Whittaker and he appeared in favor of the resolution. What we are saying is when the money is available then do it.

Sen. TROWBRIDGE: I'd like to speak in favor of Sen. Claveau's motion. I was once the chairman of the Nashua-Hudson Bridge Committee and I can tell you that there was no greater burden to bear. All I'd like to say that from my own personal legislative advice that there is no area that needs help more than the Nashua-Hudson Bridge.

Sen. FOLEY: Mr. President, I'd like to say that the minority would like to go on record as entirely in favor of this resolution.

Sen. NIXON: Mr. President, having in mind that the Public Works and Highways is in favor of this bill, I would certainly endorse Sen. Claveau's motion with due respect to the resolution that had a hearing this morning.

Sen. PORTER: Mr. President, we had a good hearing on this bill and I don't think that there was anyone there that was opposed to the bypass. The problem being that this tends to try to reestablish the priority in this particular area and that it would frankly upset the existing good relationship of federal, state and local areas.

Sen. CLAVEAU: Don't you think that the great need that was shown here might be justified in disturbing priorities?

Sen. PORTER: I think that the priority is reasonably well established now. But there is a working relationship that might be upset by this.

Sen. CLAVEAU: This state is in favor of this.

Sen. PORTER: There does not appear to be any disturbance in the state.

Sen. SANBORN: I could not and would not have supported SB 141 in its original form. I listened to much debate on that bill and believe it to be poor legislation. There is no limitation of time.



Sen. Downing moved the previous question.

Adopted.

Resolution adopted.

Sen. Foley moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and that when we adjourn, we adjourn until next Tuesday at 1:00 p.m.

Adopted.

#### PERSONAL PRIVILEGE

Sen. SPANOS: Sometime during the early stages of the session, I received a communication from the Bar Association asking if I would sponsor a no fault bill. They asked this of me because they felt that they had not had a chance to present their views on no-fault. They wanted their day in Court, on what they believed was just and fair to the people of our state.

I agreed to do so. The bill was sponsored by Senator David Bradley and myself and I think, and I am not telling an untruth, its draft was given to us about two months ago. During this time we evaluated the same (among other business) for about two weeks digesting the measure and then we gave it to Legislative Services. It has been with them for some time. Then late in May, around the seventeenth, we got it back and it was printed. This was around the twenty-third of May.

Furthermore, we asked Senator Ferdinando for a hearing and he was unable to give us one at that time because of his schedule and finally we got a hearing today.

I just want to be on record, and want you to know and the public to know, that this was no backdoor effort to bring a no fault measure before you.

The legislative schedule was against us from the start. The Bar Association in no way attempted to place a no fault measure before you at this late date.

## LATE SESSION

## Third reading and final passage

SB 234, providing a limited tuition assistance to New Hampshire high school graduates who wish to attend accredited institutions of higher learning within the state; and making an appropriation therefor.

SJR 19, Joint Resolution making an appropriation for the planning and design of the proposed Alan B. Shepard state park in Derry.

SB 159, permitting the water supply and pollution control commission to continue minimum algae control effort in the surface waters of the state, and making an appropriation therefor.

SB 249, relative to education in the field of property tax administration and making an appropriation therefor.

SJR 14, JOINT RESOLUTION providing a supplemental appropriation for payment of counsel for indigent defendants.

SB 144, providing funds for an increased statewide betterment highway reconstruction program to upgrade existing state highways.

SB 61, relative to workmen's compensation for state employees; creating a workmen's compensation review commission for state employees and making an appropriation therefor.

SJR 16, JOINT RESOLUTION relative to retirement credit for Thomas A. Bolton and allowing Ernest W. Weeks to enter the retirement system and receive credit for prior employment.

SB 100, providing an additional (cost of living) retirement allowance for persons receiving retirement on June 30, 1973.

SB 202, relative to the construction of Dover-Somersworth interchange number nine of the Spaulding Turnpike and making an appropriation therefor.

SB 101, establishing a public defender system for Merrimack and Hillsborough counties.

SB 212, establishing a commission to study the state retirement systems and making an appropriation therefor.

SB 194, permitting control of outdoor advertising on class IV and V highways.

SB 248, authorizing the governor to enter into a contract with Schools of Dental Medicine to guarantee openings for qualified New Hampshire students and making an appropriation therefor.

SB 75, adopting the uniform management of institutional funds act.

SB 266, to approve a road in Merrimack under 162-A:6-b at private expense.

SB 269, relative to gross weight of motor vehicles.

SB 21, regulating the liability of governmental units in actions to recover for bodily injury.

SB 196, relative to collective bargaining rights of public employees.

SB 34, relative to requiring certain foreign corporations to file a copy of their corporate charter and a copy of their record of organization with the secretary of state and relative to the content of annual returns of corporations and other associations.

SB 257, relative to regulation of refrigeration technicians.

Adopted.

Sen. Ferdinando moved the Senate adjourn at 5:15 p.m.

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## *Tuesday, 5Jun73*

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O God, our Heavenly Father, grant unto us a gentleness of spirit.

Help us to be good examples to all the people; and respectful in all our duties.

Grant that we may not act hastily; but with a steadfast purpose, and a quietness of mind, carry forth our work in this Senate.

We pray for Thy guidance. O Lord. Amen.

Pledge of Allegiance was led by Rep. Louis D'Allesandro.

Introduction of Greg Landry and presentation of Resolution.

Rep. D'ALLESANDRO: I have the distinct honor of introducing Greg Landry of Nashua to you. Greg, is a graduate of Nashua High School, a graduate of the University of Massachusetts, where he attained all American honors as a quarterback. He was then the number one draft choice of the Detroit Lions and he was the first quarterback chosen in that bracket. Greg has had a wonderful career with the Detroit Lions. He led the National Football League in ground gains which is quite unusual for a quarterback. He's a member of the New Hampshire National Guard and he's touring the state recruiting. It's a distinct privilege for me to introduce an outstanding young man, from Nashua, New Hampshire, Greg Landry.

MR. GREG LANDRY: It really is an honor for me to be here today. This is the first time in twenty-six years that I've seen the House and it's really an interesting and historical landmark and one that I think all of New Hampshire is proud of. I've been touring during the past weeks for the National Guard and if any of you have any young sons or daughters who would be interested in joining the National Guard, I wish you would contact them. I've had a chance to visit the state, and I'm now preparing to leave and go back to Detroit. As I mentioned in the House, I wish that if you people do declare war on Maine or vice versa, please do it before July 8. It certainly is an honor for letting me come here and express my gratitude for being here to speak before you people.

*Know All Men By These Present That Whereas,* we the members of the New Hampshire Senate are proud and honored to receive a visit from Gregory Paul Landry, a native of Nashua, New Hampshire who has risen to the rank of Superstar as Quarterback of the Detroit Lions of the National Football League; and

*Whereas*, his feats of skill and daring as a quarterback, evident at an early age, completely rewrote the record books of Nashua High School and later those of the University of Massachusetts, where in his senior year he received the Bulger Lowe Award as the outstanding college football player in New England; and

*Whereas*, he was drafted by the Detroit Lions in 1968 and quickly become their starting quarterback, striking fear into the hearts of foes with his superb passing and scrambling abilities, which have made him the runaway choice as All-Pro quarterback in the National Football Conference; and

*Whereas*, he has brought a distinct Yankee flavor to the National Football League as the only quarterback from New England, whose accent when calling signals has befuddled many an opposing linebacker, and whose strength and endurance truly reflect his upbringing in the Granite State; and

*Whereas*, he has served his native state with dedication and distinction as a member of the New Hampshire National Guard and as honorary state chairman of the Christmas Seals campaign; therefore be it

*Resolved*, that we the members of the New Hampshire Senate present this

CERTIFICATE OF COMMENDATION  
TO  
GREGORY PAUL LANDRY

at this regular session of the Senate held this fifth day of June, 1973; and be it further

*Resolved*, that a copy of this resolution be forwarded to the family of Gregory Paul Landry in Nashua, New Hampshire.

Attest: Clerk

Sen. President.

Sen. Vice President

Sen. TROWBRIDGE: Mr. President, I think we might be able to avoid the problem of people saying I haven't had a chance to look at the budget. HB 888 has been around for two weeks and the budget is available now. I was thinking of perhaps dividing up the Finance committee so that each member might take on two people.



For purposes of getting into the budget and seeing what's there, there weren't too many amendments made by the House to its own bill, so that HB 888 is a pretty good document for a start.

Sen. Porter moved that in accordance with the list in the possession of the Clerk, the following House Bills 911 through HJR 47, shall be, by this resolution, read a first and second time by the therein-listed title, and referred to the therein-listed designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 911, prohibiting the use of outboard motors of more than six horsepower on the Merrymeeting River. Referred to Recreation and Development.

HB 970, relative to the operation of motorboats on Big Pea Porridge Pond in the town of Madison. Referred to Recreation and Development.

HB 964, relative to certain exemptions from filing plans and specifications of sewage disposal systems. Referred to Public Health, Welfare and State Institutions.

HB 1051, amending the charter of the city of Somersworth relative to abolishing the police commission, the appointment of the police chief and the composition of the school board. Referred to Executive Departments, Municipal and County Governments.

HB 1037, to provide for the repeal of the law tending to prohibit hitchhiking. Referred to Public Works and Transportation.

HB 123, providing for the acquisition of the Kelley Falls dam and water rights by the water resources board and making an appropriation therefor. Referred to Resources and Environmental Control.

HB 129, increasing the authority of the town of Lincoln to issue emergency notes. Referred to Finance.

HB 283, providing for the acquisition of a certain dam and water rights on Newfound Lake in the town of Bristol by the

water resources board and making an appropriation therefor. Referred to Resources and Environmental Control.

HB 300, increasing the mileage rate for all state employees using privately-owned passenger vehicles, and making an appropriation therefor. Referred to Finance.

HB 495, relative to payment by the state of the cost of educating children living in foster homes and making an appropriation therefor. Referred to Finance.

HB 778, establishing a joint committee on legislative management and making an appropriation therefor. Referred to Finance.

HB 973, to amend the uniform commercial code with respect to the manner of transferring investment securities. Referred to Judiciary.

HB 976, relating to savings bank investments in mobile home loans. Referred to Banks, Insurance and Claims.

HB 1008, relative to the charter of the city of Dover. Referred to Executive Departments, municipal and County Government.

HB 1045, permitting the city of Dover to draw water from the Isinglass River in the city of Rochester. Referred to the Dover Rochester Delegation.

HB 1036, providing for all federal enclaves in the state to be single districts for school purposes. Referred to Education.

HB 948, relative to dog training and permits issued therefor. Referred to Recreation and Development.

HB 1035, relative to corporations with only two shareholders. Referred to Judiciary.

HB 862, providing for unemployment compensation to persons refusing to work the third shift for good cause. Referred to Ways and Means.

HB 1047, continuing the office space study committee. Referred to Finance.

HB 1016, which is an omnibus legalizing certain town meetings of the towns of Andover, Conway, Hill, Lyndeborough, North Hampton, Pembroke, Sutton, and New Durham and of

the school districts of Marlow, Pembroke, and Colebrook. Referred to Executive.

HB 1023, providing that failure to comply with requirements for notice of, and holding of, a public hearing of the county budget shall constitute prima facie evidence of wilful neglect of duty. Referred to Executive.

HB 1040, classifying horse racing as an industry for purposes of zoning. Referred to Executive Departments.

HB 943, authorizing the treatment and counseling of minors by professional health care personnel without requiring the consent of anyone other than the person who is receiving said health services. Referred to Public Health, Welfare, and State Institutions.

HB 956, providing that licensed physicians need not report family planning information given to minors. Referred to Public Health, Welfare and State Institutions.

HB 1020, to enable the director of public health to have the option of designating an alternate to represent him on certain boards and commissions. Referred to Public Health, Welfare and State Institutions.

HB 876, relative to the use of sewer rents, hook-ups or betterment charges. Referred to Finance.

HB 993, relative to temporary, seasonal and part-time state employees. Referred to Finance.

HB 1021, relative to establishing a noise abatement program. Referred to Resources and Environmental Control.

HB 1044, relative to the purchase of handicapped-made products and services by the state. Referred to Finance.

HB 54, relative to the passage of testate or intestate real and personal property to surviving spouse and to other persons. Referred to Judiciary.

HB 887, relating to salaries of district court justices, and to fees in civil cases in district courts. Referred to Judiciary.

HB 910, relative to protecting consumers in the sale of consumer goods. Referred to Judiciary.

HB 932, establishing civil actions and investigations for violation of the state anti-trust law. Referred to Judiciary.

HB 933, relative to the possession of pistols and revolvers by convicted felons and eliminating the prohibition against aliens possessing the same. Referred to Judiciary.

HB 935, to clarify certain forms of voter intimidation. Referred to Executive Departments.

HB 967, making it mandatory for the secured party to file a discharge statement under the uniform commercial code. Referred to Judiciary.

HJR 49, to create an interim study committee to study the need, form and content of a uniform probate code and to draft legislation, if need be. Referred to Judiciary.

HJR 48, establishing a study commission on the problems of unemployed citizens in New Hampshire. Referred to Public Health, Welfare and State Institutions.

HJR 47, providing for a legislative committee to study the means of implementing a furlough system at the New Hampshire state prison. Referred to Public Health, Welfare and State Institutions.

#### ENROLLED BILLS REPORT

HB 255, permitting the employment in a school district of a learning disability teacher.

HB 286, relative to the taking of clams from the ocean waters of New Hampshire.

HB 565, requiring only motor vehicle accidents where damages are three hundred dollars or above to be reported.

SB 41, relative to increasing the amount of homestead.

CACR 33, Relating to: Special Sessions of the General Court. Providing that: A majority of the members of the general court may call a special session of the general court.

Sen. Provost  
*For The Committee*

## COMMITTEE REPORTS

**SJR 22**

to reimburse Charles and Catherine Valenti for damage to their water supply. Ought to pass with amendment. Sen. Trowbridge for the Committee.

Sen. Foley moved that SJR 22 be laid on the table.

Adopted.

## RECESS

## OUT OF RECESS

**SB 267**

relative to dual enrollment and child benefit services. Ought to pass with amendment. Sen. Foley for the Committee.

## AMENDMENT

Amend RSA 198:22, II as inserted by section 2 of the bill by inserting at the end thereof the following (Payment of said grant shall be made upon submission of certified expenses prior to the end of the applicable fiscal year.) so that said paragraph as amended shall read as follows:

II. Application for any such grant shall be submitted by a district to the state board of education no later than the July first preceding the start of the school year for which it shall be applicable, provided that the board may, for good cause shown, accept any such application up to but no later than the start of the applicable school year. Payment of said grant shall be made upon submission of certified expenses prior to the end of the applicable fiscal year.

Amend section 7 of the bill by inserting in line three after the word "for" the following (expenses incurred during) so that said section as amended shall read as follows:

7 Effective Date. This act shall take effect upon its passage, provided that the state board of education is authorized to pay grants pursuant to RSA 198:22 for expenses incurred during the school year of 1972-73 if applications are received by August 1, 1973.

Sen. FOLEY: Mr. President, this bill, SB 267, is to increase Child Benefit Services and the dual enrollment law to



provide greater flexibility in the areas that the State Board of Education regulates and approval of school leases. There is no actual appropriation in the bill.

Amendment Adopted.      Ordered to third reading.

#### **SB 228**

establishing a committee to recommend a codification of the environmental laws of the state. Ought to pass with amendment. Sen. Foley for the Committee.

#### **AMENDMENT**

Amend the bill by striking out section 7 of the bill and inserting in place thereof the following new section:

7 Appropriation. The sum of ten thousand dollars is hereby appropriated for the purposes of this act, and any unused and excess sum remaining after the expiration of the term of this committee, shall lapse. The governor is authorized to draw his warrant for the sum hereby appropriated, out of any money in the treasury not otherwise appropriated.

Sen. FOLEY: Mr. President, this bill establishes a committee to recommend the qualifications of the environmental laws of the state.

Amendment Adopted.      Ordered to third reading.

Sen. Foley moved that SJR 22 be taken from the table.

Adopted.

#### **SJR 22**

to reimburse Charles and Catherine Valenti for damage to their water supply. Ought to pass with amendment. Sen. Trowbridge for the Committee.

#### **AMENDMENT**

Amend the joint resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of three thousand dollars is hereby appropriated to the Hudson Water Company for the payment of extension of a water line to the home of Mr. and Mrs. Charles Valenti in Hudson, such sum to be added to an equal amount payable by Mr. and Mrs. Valenti to said company. This sum is

in full and final settlement of the claim by the Valentis for damage to their water system as a result of a state salt pile being stored near their house during the winter of 1972-73. The Hudson Water Company shall pay over to the department of public works and highways all connector fees collected by said company from future users of the approximately thirteen hundred feet of twelve inch line being installed hereby, regardless of when such payments are made. The governor is authorized to draw his warrant for said sum which shall be a charge against the highway fund.

Sen. TROWBRIDGE: Mr. President, the Valentis live in an area in Nashua which was right across from where the Highway Department had its salt pile and I don't think there's any question that the salt pile did spoil their well. The question is how we can get water to the Valentis who are now being supplied with bottled water from the Highway Department. The only acceptable solution seems to be to extend the water main thirteen hundred feet. What we have said is that the Highway Department will pay the water company to extend the main but that the hitch on income will go back to the Highway Department so that eventually the Highway Department will be eighty percent reimbursed for this expense.

Sen. LAMONTAGNE: Who's going to pay for the water?

Sen. TROWBRIDGE: The Valentis are going to pay for the water when they get hooked up.

Sen. LAMONTAGNE: So, all the Public Works would have to do is put in the pipe?

Sen. TROWBRIDGE: Yes. They would have to pay for it to be installed.

Sen. JOHNSON: Are you going to take a lien on the properties?

Sen. TROWBRIDGE: We are taking a lien on the income when the other people attach onto the pipe.

Amendment Adopted.      Ordered to third reading.

RECESS

OUT OF RECESS

**SB 673**

relative to adoption procedures. Ought to pass.

Sen. Gardner moved that HB 673 be made a Special Order of Business for tomorrow at 1:01.

Adopted.

**HB 309**

relative to the confidentiality of business profits tax records and files. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, HB 309 passed the House several weeks ago. It had a hearing in the Senate and the committee has reported it as ought to pass. What this does is to take out the section dealing with the Governor and Council's rights to audit individual tax returns under the Business Profits Tax and leaves it only with the Attorney General or other legal representatives of the state or the Commission.

Sen. FERDINANDO: Who are the legal representatives of the state?

Sen. S. SMITH: This would be under the Attorney General's office.

Sen. FERDINANDO: The Attorney General's the legal representative of the state?

Sen. S. SMITH: This was amended in the House.

Sen. BRADLEY: This bill simply reads disclosure to anyone authorized to audit the accounts of the Commission or to the Attorney General or his authorized representative.

Sen. JACOBSON: Sen. S. Smith, can you explain to me that last part of the sentence of Roman numeral five in connection with an action or a proceeding under this chapter. What does that mean?

Sen. S. SMITH: That's so they can receive full payment under the Business Profits Tax.

Sen. JACOBSON: Does this preclude an investigation?

Sen. S. SMITH: Of individuals and tax records by the Governor and Council. It does not preclude getting an evaluation from Tax Commission.

Sen. JACOBSON: Would the word proceeding or action also include the effort to discover violations?

Sen. BRADLEY: I would not think so unless it were part of a proceeding against someone.

Sen. JACOBSON: To me then that is an incongruity because you cannot investigate to find the violation. Is that not correct?

Sen. BRADLEY: I would not think so. It seems to me that what is typical to happen under this confidentiality provisions is that evidence of some violation which happened would be brought to the attention of the Attorney General's office by the Business Profits Tax Division.

Sen. JACOBSON: As I recall, the Tax Commissioner, Mr. Maynard felt that this power should continue to lie in the Governor and Council.

Sen. BRADLEY: There was no testimony at the hearing to that effect.

Sen. JACOBSON: It was given in the Senate chamber.

Sen. Jacobson moved that HB 309 be made a Special Order of Business at 1:01 Friday next.

Sen. JACOBSON: I was very interested in what Mr. Maynard said when he was here in the Senate and also I was concerned about the matter of whether or not an investigation can place with respect to a violation. I'm not sure that if a violation was found that it could be investigated under the statute as written.

Sen. BRADLEY: Is your concern with the power of the Business Profits Tax Division employees themselves to investigate or if the Attorney General investigates?

Sen. JACOBSON: Both.

Sen. LAMONTAGNE: I want to know if this bill is passed will the Profits Tax employees still be able to continue to investigate without the Attorney General?

Sen. BRADLEY: As far as any power goes they could.

Adopted.

**HB 377**

repealing the authority of justices of the peace to sit as special justices in a district court. Ought to pass with amendment. Sen. Bradley for the Committee.

**AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Justices of the Peace Eliminated. Amend RSA 502-A:5 (supp) as inserted by 1963, 333:1, as amended, by striking out said section and inserting in place thereof the following:

502-A:5 Powers of Other Justices. If the justice and special justice of a district court are disqualified or unable from any cause to sit in any case a member of the bar of New Hampshire who is a disinterested justice of the peace within the district, or a disinterested justice or special justice from another district court, attending upon written request of the justice, may hear and determine the case and issue final process therein, and he shall keep a record thereof, which shall be kept with and constitute a part of the records of said court, all of which shall have like effects as if it were heard and determined by the justice of said court.

Sen. BRADLEY: Mr. President, I'm not sure whether the amendment has been distributed but it has been printed in the Journal. This bill in its original form would have prevented justices of the peace from sitting as district court judges which they are now allowed to do. The amendment specifies that the justice of the peace who is a member of the Bar can sit as a justice in the district court.

Sen. PRESTON: I want to congratulate the committee on its amendment.

Amendment adopted.      Ordered to third reading.

**HB 654**

making certain technical changes in statutory provisions relating to the supreme court. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: This is a very simple bill that can be classified as housekeeping. It has several minor parts to it. One



part takes care of the fact that the Supreme Court has in fact changed its location. And it turns over the jurisdiction of the State Library building entirely to the State Library. The third part of this is that there is no requirement now in writing that people submit briefs when they appeal to the Supreme Court and there is a requirement that they would have to do so.

Adopted.      Ordered to third reading.

**HB 650**

relative to the publication of notices of appointment of fiduciaries and repeal of the requirement of the posting of such notices. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill was introduced in the House in the last session and referred to the Judicial Council and came back with a report that it should pass. It's a fairly simple bill that will expedite and make cheaper the administration of the state. Under existing law when a person gets appointed as administrator or guardian in a judiciary capacity there has to be publication of this fact in the paper and public posting. This would do away with the posting of these notices. We feel that this has become outmoded.

Adopted.      Ordered to third reading.

**HB 747**

concerning conservation and preservation restrictions on real property. Ought to pass. Sen. Bradley for the Committee.

Sen. Bradley moved that HB 747 be recommitted to the committee on Judiciary.

Sen. BRADLEY: Mr. President, there is supposed to be an amendment to this bill so I would therefore move this back to Committee.

Adopted.

Sen. Bossie moved that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bills be read by title only, resolutions by caption only, and that when we adjourn we adjourn until tomorrow at 1:00 p.m.

Adopted.

## LATE SESSION

## Third reading and final passage

SB 267, relative to dual enrollment and child benefit services.

SB 228, establishing a committee to recommend a codification of the environmental laws of the state.

HB 650, relative to the publication of notices of appointment of fiduciaries, and repeal of the requirement of the posting of such notices.

SJR 22, Joint Resolution to reimburse Charles and Catherine Valenti for damages to their water supply.

HB 377, repealing the authority of justices of the peace to sit as special justices in a district court.

HB 654, making certain technical changes in statutory provisions relating to the supreme court.

Adopted.

Sen. Ferdinando moved the Senate adjourn at 2:05 p.m.

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*Wednesday, 6Jun73*

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Dear Father, give us patience! Keep us eager and alert, no matter how long our days may seem.

Help us to await the really important message of the day with patience and fortitude, knowing Thy help is always with us.

We ask this in all humility! Amen.

Pledge of Allegiance was led by Sen. R. Smith.

Sen. Porter moved that in accordance with the list in the possession of the Clerk, the following House Bills 865 through HJR 37 shall be by this resolution, read a first and second time

by the therein listed title, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 865, providing for certain motor vehicle privileges free to permanent and totally disabled veterans. Referred to Public Works and Transportation.

HB 1009, authorizing the use of Reed Act funds. Referred to Finance.

HB 20, removing the requirement of public convenience and necessity for common carriers by motor vehicles. Referred to Public Works and Transportation.

HB 182, providing for the perambulation of the New Hampshire-Massachusetts boundary line and funding the perambulation of the New Hampshire-Maine boundary line and making appropriations therefor. Referred to Interstate Cooperation.

HB 218, permitting the sale of sweepstakes tickets and authorizing incentive awards to ticket sellers. Referred to Ways and Means.

HB 278, providing for overtime payment for the inspectors in the office of the state fire marshal. Referred to Finance.

HB 390, providing for the care and treatment of children with end-stage kidney disease and making an appropriation. Referred to Public Health, Welfare and State Institutions.

HB 506, permitting village districts to be formed for purposes of impounding water. Referred to Executive Departments.

HB 625, relative to continuing education for optometrists and increasing the renewal license fee for optometrists. Referred to Public Health, Welfare and State Institutions.

HB 681, transferring members from the predecessor systems to the New Hampshire retirement system. Referred to Finance.

HB 800, relative to workmen's compensation to state em-

ployees and reimbursing the general fund by transfer of funds. Referred to Ways and Means.

HB 837, establishing the American and Canadian French cultural exchange. Referred to Interstate Cooperation.

HB 1015, transferring and repealing existing criminal statutes as proposed by the recodification committee, and making technical amendments to statutes so that they conform to the criminal code. Referred to Judiciary.

HB 960, relative to interest rates allowable for credit buying. Referred to Banks, Insurance and Claims.

HB 981, amending, in general, sections of the chapter on probation in the RSA. Referred to Judiciary.

HB 611, revising statutes outside the criminal code imposing fines of fifty dollars or less which under the code constitute violations. Referred to Judiciary.

HB 150, providing for solid waste disposal and resource recovery. Referred to Resources and Environmental Control.

HB 611, revising statutes outside the criminal code imposing fines of fifty dollars or less which under the code constitute violations. Referred to Judiciary.

HB 202, outlining procedures and providing for search and rescue operations and making an appropriation therefor. Referred to Resources and Environmental Control.

HB 505, to delete the positions of warden and deputy warden of the state prison from the list of positions which are entitled to maintenance and to increase the statutory salary for each of the positions. Referred to Public Health, Welfare and State Institutions.

HB 630, relative to the use of radar and other electronic method of speed detection on interstate and state highways. Referred to Judiciary.

HB 818, relative to the administration of the revenue laws. Referred to Ways and Means.

HB 1004, increasing the limit on the amount of bonds which may be guaranteed by the state for water supply and pollution control projects. Referred to Finance.

HB 430, relative to increasing the percent of the road toll revenue for highway subsidy to towns and cities. Referred to Finance.

HB 148, relative to furnishing generic as well as brand names of prescription drugs. Referred to Public Health, Welfare and State Institutions.

HB 477, regulating food service establishments. Referred to Public Health, Welfare and State Institutions.

HB 478, permitting the sale of tickets known as lucky seven at beano games sponsored by charitable organizations, subject to rules and regulations established by the sweepstakes commission, and payment of a fifteen per cent tax. Referred to Ways and Means.

HB 504, creating an open space land study commission and making an appropriation therefor. Referred to Resources and Environmental Control.

HB 793, providing for the state treasurer to establish a special fund for reimbursements received for prefinanced water pollution control projects. Referred to Finance.

HB 844, relative to the practice of architecture. Referred to Public Works and Transportation.

HB 730, providing for regional vocational education programs and making an appropriation therefor. Referred to Education.

HB 10, relative to the registration and operation of off highway recreational vehicles and making an appropriation therefor. Referred to Recreation and Development.

HB 539, establishing civil procedures relating to the admission and treatment of the mentally ill and making an appropriation therefor. Referred to Judiciary.

HJR 30, relative to the purchase of a fire truck for the city of Concord and making an appropriation therefor. Referred to Finance.

HJR 5, making an appropriation for the purchase and installation of an electronic roll call system for the House of Representatives. Referred to Finance.



HJR 43, relative to retirement credits for Clarence W. Metcalf, Floris H. Lanigan, Kenneth Lewis, Francis J. Donahue, John P. McGee and Willis S. Low. Referred to Finance.

HJR 37, providing for 1975 World Cup Championship at Cannon mountain. Referred to Recreation and Development.

Sen. Jacobson moved that the Senate convene itself in a Committee of the Whole.

Adopted.

#### HOUSE NONCONCURRENCE WITH AMENDMENT

HB 62, relative to petitions for trust companies, savings banks, or branch banking.

#### REQUEST FOR COMMITTEE OF CONFERENCE

The Speaker has appointed as members of said Committee of Conference on the part of the House of Representatives: Reps. Bigelow, Helie, Nims and Leighton.

On motion by Sen. Poulsen the Senate voted to accede to the request for a Committee of Conference.

Adopted.

#### COMMITTEE REPORTS

##### HB 768

relative to withdrawals from savings deposits. Majority: Ought to pass with amendment. Sen. Ferdinando for the Committee. Minority: Ought to pass. Sen. Johnson for the Committee.

#### AMENDMENT

Amend RSA 386:20-A, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. Interest or dividends payable by said banks to all its depositors on deposits in the accounts authorized by this section at said bank shall not exceed an annual rate which is one half of one percent less than the maximum rate of interest or dividends that lawfully may be paid upon savings accounts to depositors of national banks and trust companies that are op-

erating within the state of New Hampshire provided further that whenever the total amount of savings deposits in the accounts authorized by this section held by any savings bank, guaranty savings bank or savings department of a bank exceeds five percent of the total deposits held by such bank or savings department, the interest or dividends payable by such bank or savings department to its depositors on all regular savings accounts shall not exceed the maximum rate of interest or dividends that lawfully may be paid upon savings accounts to depositors of national banks and trust companies that are operating within the state of New Hampshire. The foregoing limitation on payment of interest or dividends by said bank shall not apply to those deposits having a fixed maturity of payment date of over thirty days, including but not limited to those accounts commonly known as 90-day notice accounts, time savings certificates and time certificates of deposit.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

### RECESS

Sen. FERDINANDO: Mr. President, members of the Senate, I am reporting on the majority committee report. What the amendment does is allows NOW Accounts to go in New Hampshire but what we've done in the amendment is reduce the rate that can be charged with NOW Accounts. The amendment reduces it to four percent. The second phase of the amendment is to restrict the amount of activity in NOW Accounts. The intent is to have some control and the committee arrived at five percent of the deposit of a bank.

Sen. BRADLEY: Senator Ferdinando, do you know how we can get the whole bill in front of us?

Sen. FERDINANDO: I have sent someone for copies.

Sen. BRADLEY: I just want the Senate to know that the bill as amended in the House is printed in the House Journal on May 15 on page 1085.

Sen. TROWBRIDGE: Mr. President, I rise in support of the committee amendment and majority report. When this began in the House I was working to try to find a compromise

whereby NOW Accounts could be allowed but you wouldn't necessarily have to give them such an advantage over commercial banks that it would be unfair.

Sen. JOHNSON: Senator Ferdinando, just what does your amendment do?

Sen. FERDINANDO: It restricts the amount that can go into a NOW Account at five percent of its deposits of the bank and the second part lowers the interest rate.

Sen. BOSSIE: Senator Ferdinando, wasn't it clear that if we pass this bill with amendment that this will go back to the House and the Committee of Conference would be appointed?

Sen. FERDINANDO: This was considered.

Sen. JOHNSON: Mr. President, I rise in opposition to the amendment as proposed by Senator Ferdinando. I am definitely in favor of HB 768.

Short term loans by commercial banks are the life blood of your community. I hope the Senate will defeat the amendment as proposed by Senator Ferdinando and then get on to HB 768.

Sen. JACOBSON: Mr. President, I think that all of us recognize that this is a difficult issue. If I were to follow a simple parochial interest I would probably vote against the amendment. If I were to follow a strictly protestant attitude I would vote against the amendment. However, when speaking of changes in the way in which we do business, I think we all recognize that. I find by looking back into history many of the changes which we enjoy in many areas of life had an original cry of maintaining what we had. I suggest sometime that you read the congressional record on Social Security and see how that was argued or on Medicare or on zoning in your locale. I also recognize politically that no one is going to be a winner either way they vote today, but when all things are considered, I must come down on the side of the consumer and support the amendment.

Sen. S. SMITH: You said that you are on the side of the consumer. On the NOW Accounts, who will pay for the interest paid on those accounts?

Sen. JACOBSON: The same people who pay any kind of interest charge.

Sen. S. SMITH: Don't you think that with the adoption of NOW Accounts that the increase cost would increase the interest rates which the consumer has to pay either through short term tax anticipation notes or through borrowing for automobiles?

Sen. JACOBSON: That's a question I can't answer.

Sen. BLAISDELL: I want to know if you think that the national government is making the states of Massachusetts and New Hampshire sort of a guinea pig of this particular type of business.

Sen. JACOBSON: I would rather say that there is an anticipation that it might be a pilot project toward greater things.

Sen. BLAISDELL: Do you feel that this is constitutional?

Sen. JACOBSON: As to constitutionality I don't believe that there's a better constitution.

Sen. DOWNING: Senator, I don't quite grasp this consumerism position that you've taken. What exactly is the benefit and where do they really save any money?

Sen. JACOBSON: It's true that the banks must make money for their existence, and they've survived for a long time.

Sen. DOWNING: Any time the banks give out money they have to take in more than they let out.

Sen. JACOBSON: They do and they have a margin of interest.

Sen. MCLAUGHLIN: Mr. President, I rise in opposition to the pending motion that is on the floor in the interest in continuing the commercial bank system in our state. I urge you to pass HB 768 from the House.

Sen. BRADLEY: Senator Johnson, don't you agree that the bill as passed by the House is in effect to prohibit NOW Accounts?

Sen. JOHNSON: That is what I understand might happen if we go along with it.

Sen. BRADLEY: If no banks and if no savings banks are willing to offer NOW Accounts, isn't that in effect killing NOW Accounts?

Sen. JOHNSON: No that doesn't kill NOW Accounts.

Sen. JACOBSON: Sen. S. Smith, is it not now possible for commercial banks to utilize a loophole in the law with no bounce checking account?

Sen. S. SMITH: I don't know.

Sen. BRADLEY: Senator Ferdinando, it seems to me that the national banks have made a pretty good case that the NOW Accounts work to an unfair advantage and that it would be harmful to them. My question is how harmful will it be?

Sen. FERDINANDO: I think that as far as the monitoring process, the law of New Hampshire will be that five percent of the assets will not be exceeded. I have not been able to determine how active the banks will become in this area.

Sen. BLAISDELL: Are you saying Senator that there was no testimony in your committee that commercial banks will not lose income to savings banks?

Sen. FERDINANDO: The testimony in the committee was such that it was pretty hard to determine the true test of what will take place.

Sen. S. SMITH: Mr. President, I rise to try and answer some of the questions that have been raised. Senator Jacobson brought out the concept of Columbus and I'd like to say that nobody followed him for about a hundred years and secondly when he did come back he brought things with him that he wished he hadn't. In addition I think that one of the most serious questions that we face today in this world is the gold crisis. And this crisis involves only a few people who are in the business of trading gold. You can also look at the stock market with its ups and downs. These are created by a small percentage of people doing the trading compared with the large volume of stocks which are owned throughout the country. I think when we play with the laws of finance that we're doing so with the chance of having vast repercussions. The Hunt Commission report which was authorized by the president, makes some interesting comments that most of our banking laws were a prod-



uct of the years of crises, and that these banking laws today probably do not fit the needs of the financial community.

Sen. JACOBSON: Did you say that no one followed Columbus for a hundred years?

Sen. S. SMITH: Not exactly.

#### AFTER RECESS

Sen. Lamontagne moved the previous question.

Roll call requested by Sen. Blaisdell, seconded by Sen. Johnson.

Yeas: Poulsen, Gardner, Bradley, Green, Jacobson, Spanos, Trowbridge, R. Smith, Ferdinando, Bossie, Preston and Foley.

Nays: Lamontagne, S. Smith, Blaisdell, Porter, McLaughlin, Claveau, Sanborn, Provost, Brown, Johnson, and Downing.

Result: Yeas 12; Nays 11.

Amendment adopted.

Sen. Johnson moved that HB 768 be indefinitely postponed.

Sen. POULSEN: Mr. President, I rise in opposition to this motion. It was the feeling of the majority of the committee that we contain the NOW Accounts by limitations of five percent of the deposits and by the percent of interest charged.

Sen. JACOBSON: I want to rise in opposition to the indefinite postponement because that leaves it open to no regulation whatsoever.

Sen. LAMONTAGNE: If this motion is indefinitely postponed are we going back to the way it was before the bill was ever introduced?

Sen. JACOBSON: Yes.

Roll call requested by Sen. Lamontagne, seconded by Sen. Blaisdell.

Yeas: Lamontagne, S. Smith, Blaisdell, Porter, McLaughlin, Claveau, Sanborn, Provost, Brown and Johnson.

Nays: Poulsen, Gardner, Bradley, Green, Jacobson, Trowbridge, R. Smith, Ferdinando, Bossie, Downing, Preston, and Foley.

Result: Yeas 10; Nays 12.

Motion lost.

Question is on HB 768 with amendment being ordered to third reading.

Roll call requested by Sen. Johnson, seconded by Sen. Provost.

Yeas: Lamontagne, Poulsen, Gardner, Bradley, Green, Jacobson, Blaisdell, Trowbridge, Claveau, R. Smith, Ferdinando, Bossie, Preston, and Foley.

Nays: S. Smith, Porter, McLaughlin, Sanborn, Provost, Brown, Johnson, and Downing.

Result: Yeas 14; Nays 8.

Adopted. Ordered to third reading.

## RECESS

## AFTER RECESS

### SB 81

establishing a commission on children and youth; and making an appropriation therefor. Ought to pass with amendment. Sen. Trowbridge for the Committee.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### An Act

Establishing a Commission on Children and Youth

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Effective Date. This act shall take effect July 1, 1973.

Sen. TROWBRIDGE: Senator Jacobson filed the bill for the Commission on Children and Youth. His bill calls for an appropriation for about \$25,000. In the budget, there is already the funding of the Commission on Children and Youth Committee. What we are doing is setting up the commission and using the funds of the Committee on Children and Youth.

Amendment adopted.      Ordered to third reading.

**SB 245**

relative to the duties of the state treasurer and director of the division of accounts. Ought to pass with amendment. Sen. S. Smith for the Committee.

**AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 New Hampshire Retirement System including in bonding. Amend RSA 6:3, by striking out in line six after the words "policemen's retirement" the word "and" and inserting in line seven after the word "systems," the following (and the New Hampshire Retirement System.), so that said section as amended shall read as follows:

6:3 Bond. Before entering upon the duties of his office, he shall give bond in the sum of two hundred thousand dollars, with sufficient sureties, to be approved by the governor and council, conditioned for the faithful discharge of the duties of his office, including his duties as custodian of trust funds of state institutions and of the several funds of the state employees' retirement, teachers' retirement, policemen's retirement, firemen's retirement systems and the New Hampshire Retirement System. Said bond shall be deposited and safely kept in the office of the secretary. Upon the failure of the legislature to elect a state treasurer on the first Wednesday of the biennium, the state treasurer previously elected shall give a new bond in the sum of two hundred thousand dollars with sureties, to be approved by the governor and council, which bond shall be conditioned upon the satisfactory discharge of the duties of said office until a successor is elected, and shall be deposited and safely kept in the office of the secretary of state.

Further amend the bill by striking out section 3 and inserting in place thereof the following:

3 Disbursements made by Treasurer. Amend RSA 6:10 by striking out said section and inserting in place thereof the following:

6:10 Disbursements. The treasurer shall pay, out of any moneys not otherwise appropriated, all sums due by virtue of

general or special appropriations of the legislature, on warrants drawn by the governor, and the principal or interest on all loans which may at any time become due. All bills and obligations of the state shall be paid from his office. In the performance of this duty, the treasurer shall accept checks prepared by the department of centralized data processing. The director of the department of centralized data processing shall be responsible for any overpayment, duplicate payment, or any other unauthorized payment resulting from the use of such checks caused intentionally or inadvertently by any personnel, or failure or error of programming, or procedures of the department of centralized data processing. The director and any other personnel the data processing commission deems necessary or advisable shall be bonded for the faithful discharge of the duties of the department of centralized data processing provided for by this section.

Further amend the bill by striking out section 5 and inserting in place thereof the following:

5 Effective Date. This act shall take effect July 1, 1973.

Sen. S. SMITH: Mr. President, this bill deals with the powers of the treasurer in relationship to data processing. The first section includes the New Hampshire Retirement system into the duties of the treasurer. The amendment puts back the words about trust funds. Section II of the bill is a section that does away with dual bookkeeping of the state and says that the treasurer shall keep vouchers but not separate accounts. The amendment to Section III makes the centralized data processing accountable for any errors and liable as well.

Amendment adopted.      Ordered to third reading.

#### HB 728

relative to physical therapists practice. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This will allow students who have graduated from school courses from out of state to apply to the Board of Physical Therapists to work on a temporary basis with temporary certificates under the supervision of registered therapists. It was strongly supported by the Easter Seal Society and the Physical Therapist's Director.

Adopted.      Ordered to third reading.

**HB 442**

relative to the age of children placed in a child caring agency. Ought to pass. Sen. Gardner for the Committee.

Sen. GARDNER: Under present statutes the Department of Welfare licenses child caring agencies to the age of 16. It is felt that the Department should have the same legal authority to license these children to 18. They also felt it would be more consistent to have foster home institutions and group homes for neglected and dependent children licensed to the same level. However they disagreed with the insertion of consecutive in reference to the number of days on any calendar year. The committee was in agreement to retain it as if it were stricken for those child caring agencies that were excluded in the present statute to be able to care for these youngsters. I have reference to baby sitters' relatives who keep children during the day while mothers work or attend school. Including these would be a hardship on many relatives and many an act relative to adoption procedures.

Adopted.            Ordered to third reading.

**HB 358**

relative to overtime pay for nursing home employees. Ought to pass with amendment. Sen. Sanborn for the Committee.

**AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Overtime Pay for Nursing Home Employees. Amend RSA 275 by inserting after section 22 the following new section:

275:22-a Nursing Home Employees. Employees of any nursing home, as defined in RSA 151:2-a I shall, in addition to their regular compensation, be paid at the rate of time and one-half for all time worked in excess of eight hours in any one day.

Sen. SANBORN: Mr. President, as you remember this bill came to the floor once before. The amendment clarifies that an employee will be paid time and a half for overtime.

Amendment adopted.            Ordered to third reading.



**HB 604**

exempting ambulance from being required to pay tolls while on emergency calls. Inexpedient to legislate. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President, the reason why the committee has recommended inexpedient to legislate on this bill is that it is already on the books.

Sen. BOSSIE: Is it our understanding that if an ambulance was taking someone from Manchester to Concord that you could get through the tolls if you notified the State Police?

Sen. MCLAUGHLIN: No.

Sen. PRESTON: It was made clear at the committee hearings that there was no problem whatsoever on the question of their being allowed through.

Sen. JOHNSON: Mr. President, I rise in favor of the decision of inexpedient to legislate.

Sen. LAMONTAGNE: Mr. President and members of the Senate in our committee Mr. Robert Whitaker, Commissioner of Public Works, appeared before us and said we could use any lanes.

Adopted.

Sen. Bossie moved that the rules of the Senate be so far suspended as to permit a committee report at this time without previous notice in the Journal and without public hearing having been held.

Adopted.

**HB 706**

providing for a permanent retirement system for employees of the City of Manchester if adopted on referendum. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, HB 706 is a Manchester bill. This is a bill which would create a permanent retirement system for employees of the City of Manchester. This has been worked on for over two years and it passed the House almost unanimously.

Adopted.      Ordered to third reading.

## SPECIAL ORDER OF BUSINESS 1:01

**HB 673**

relative to adoption procedures. Ought to pass. Sen. Gardner for the Committee.

Sen. GARDNER: Mr. President, Rep. Zachos appeared before the committee and explained the bill. HB 673 was the result of a study by the Statutory Rights Committee on laws affecting children. It pulls the law together so that it appears in one chapter of the statutes.

The commission believes there is no greater area in need of revision in our present statutes than the area of adoption.

The hearing was small but those who attended all favored the bill. I will point out the differences between the proposed law and the law presently on the statute books.

Sen. BOSSIE: I rise in favor of HB 673 and I think that Sen. Gardner has done a fine job in presenting this bill to the Senate.

Adopted.      Ordered to third reading.

## PERSONAL PRIVILEGE

Sen. SPANOS: A month or so ago, the Manchester Union Leader carried an article on its front page reporting that my daughter-in-law was a non-resident paying resident tuition rates at the University of New Hampshire.

It is obvious from the manner in which the Union Leader reported this event that they were far more interested in involving me and my brother, Charles, (U.N.H. Trustee) than they were in the matter of non-resident paying resident tuition rates. Of significance is the fact that the Union Leader has never contacted me or my brother concerning this case.

I have refrained from commenting on the Union Leader's report for the following reasons:

One — I did not wish to embarrass or intimidate the University in arriving at its decision;

Two — I did not wish to prejudice the rights of my daughter-in-law with regards to her position of residency;

Three — inasmuch as my son and daughter-in-law are

both over twenty-one, emancipated and make their own decisions, I felt that this problem was more theirs than mine and that they should have first opportunity of responding.

Today the Union Leader indicates that the University has ruled that my daughter-in-law was in fact a non-resident despite the fact that she and my son both vote in New Hampshire, have paid their resident taxes in Newport and have registered their cars in New Hampshire and have always intended N. H. to be their home.

Now that the University authorities have made their decision, and my son has stated his position in the Union Leader I want to make the following statement: "I am proud and humbled by my son's statement which I feel completely tells the whole story."

#### HOUSE MESSAGES ENROLLED BILLS REPORT

HB 101, relative to aircraft financial responsibility.

HB 650, relative to the publication of notices of appointment of fiduciaries, and repeal of the requirement of the posting of such notices.

HB 654, making certain technical changes in statutory provisions relating to the supreme court.

Sen. Provost  
*For The Committee*

#### ENROLLED BILLS AMENDMENT

HB 53, prohibiting the use of motorboats on the Cocheco River within the city limits of Rochester. Ought to pass with amendment.

#### AMENDMENT

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Cocheco River. Amend RSA 486 by inserting after section 15, as inserted by 1973, 181:1 the following new section.

486:16 Cocheco River. No person shall use or operate any motorboat or any

Adopted.

HOUSE CONCURRENCE ON  
ENROLLED BILLS AMENDMENT

HB 53, prohibiting the use of motorboats on the Cochecho River within the city limits of Rochester.

HOUSE CONCURRENCE WITH AMENDMENT

HB 377, repealing the authority of justices of the peace to sit as special justices in a district court.

HOUSE CONCURRENCE WITH  
COMMITTEE OF CONFERENCE

HB 101, relative to aircraft financial responsibility.

Sen. Poulsen moved that the Senate concur with the Committee of Conference report on HB 233.

COMMITTEE OF CONFERENCE REPORT  
ON HB 233

The committee of conference to which was referred House Bill 233 entitled An Act relative to the amount of fees to be charged by the registers of deeds, having considered the same report the same with the following recommendations:

(1) That the House of Representatives recede from its position of nonconcurrence and concur with the Senate in the adoption of its amendment to the bill.

(2) That the House and Senate adopt the following amendments to said bill:

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3 Carroll and Coos Counties. Amend RSA 478 by inserting after section 17-g the following new section:

478:17-h Carroll and Coos. When it is voted by the respective county convention that the register of deeds for either Carroll or Coos county shall be paid on a salary only basis, said register shall charge fees for documents recorded in or services rendered by his office in accordance with the provisions of RSA

478:17-g and said register of deeds shall pay over monthly to the respective county treasurer all fees received by him as such register.

4 Repeal. Whenever the register of deeds for Carroll county shall be paid on a salary basis only, RSA 478:17-f relative to fees for said official is hereby repealed.

5 Effective Date. This act shall take effect sixty days after its passage.

Rep. Edna B. Weeks, Rock. 16  
Rep. David O. Huot, Belk. 6  
Rep. Richard D. Hanson, Mer. 5  
Rep. Ralph F. Hammond, Rock. 17  
Rep. Esther M. Davis, Carroll 2  
Conferees on the Part of the House

Sen. C. R. Trowbridge Dist. 11  
Sen. Clesson J. Blaisdell, Dist. 10  
Sen. Robert F. Preston, Dist. 23  
Sen. Andrew W. Poulsen, Dist. 2  
Sen. Walworth Johnson, Dist. 21  
Conferees on the Part of the Senate

Adopted.

Sen. Bossie moved that the rules of the Senate be so far suspended as to allow that the business in order at the late session to be the business in order at the present time, that bill be read by title only, resolutions by caption only and that when we adjourn we adjourn until tomorrow at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

SB 768, relative to withdrawals from savings deposits.

Adopted.

Sen. Trowbridge moved reconsideration of HB 768 at this time.

Motion lost.

#### RECESS

AFTER RECESS



SB 81, establishing a commission on children and youth.

Adopted.

Sen. Jacobson moved reconsideration of SB 81.

Motion lost.

SB 245, relative to the duties of the state treasurer and director of the division of accounts.

HB 728, relative to physical therapists practice.

HB 442, relative to the age of children placed in a child caring agency.

HB 358, relative to overtime pay for nursing home employees.

HB 706, providing for a permanent retirement system for employees of the City of Manchester if adopted on referendum.

HB 673, relative to adoption procedures.

Adopted.

Sen. Bossie moved reconsideration of HB 706.

Motion lost.

Sen. Bossie moved reconsideration of HB 673.

Motion lost.

Sen. Green served notice of reconsideration on HB 604.

Sen. Claveau moved the Senate adjourn at 3:20 p.m.

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### *Thursday, 7Jun73*

The Senate met at 1:00 p.m. in Durham.

(Sen. Spanos in the Chair)

A quorum was present.

Sen. SPANOS: My name is Harry V. Spanos, I am the Vice President of the New Hampshire State Senate and today I am the acting President of the Senate in view of the fact that our

own distinguished president, Sen. Nixon, is the acting Governor of the state. In view of the fact that the Governor of the state is at the National Governor's Conference out west. At this time with the unanimous consent of the Senate, the Chair is very proud to introduce for rendering introductory remarks, the Honorable President of the Senate the acting Governor, Dave Nixon.

Sen. NIXON: Thank you very much Mr. Vice President. Ladies and Gentlemen, boys and girls, it is my honor at this time to welcome you to a hometown Senate Session here in Durham on Channel 11. You may not know or be aware that this is the 190th anniversary of the New Hampshire State Senate and it is being celebrated the same year as the 350th anniversary of the first settlement in New Hampshire, in Dover, and for that reason in part of commemoration of that event the New Hampshire State Senate with an idea promulgated by the Majority Leader of the Senate, Frederick Porter of Amherst and elaborated upon by Sen. Trowbridge of Dublin, as to traveling throughout the state, the various towns and we have been in every district to my knowledge in the entire state for the purpose of bringing a portion of government, a regular Senate session out to the people so that they would have an opportunity to see their state government in action. It is this belief which I firmly concur that people need to know more about how their government operates and this is the purpose of these visits. If it results in your being impressed favorably in the way state government operates then we are that much more pleased and if it results in your having a negative attitude in the way state government operates, at least we have gained to the extent that you have learned how the state government operates, and we are pleased to be here and what you will see is a regular Senate business session with the regular procedures, the motions and counter-motions, so to speak, some important and some very mundane, but in any event it is intended and we always do let it all hang out, so to speak. I now have the honor to introduce to you and give you an idea of the background which is involved in the work of the State Senate, to introduce to you the members of the Senate that are with us here today.

Introduction of Senators by Senate President David L. Nixon.

Posting of Colors by Boy Scout Troop 154, Durham, N. H.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

God, give us due respect for the abilities you have given us.

Don't let us cheapen or sell them short — nor bury our talents through indecision or cowardice.

Plant in us the necessary determination.

Rouse in us the fires of dedication.

Give us the energy, strength and willpower to bring your gifts to their proper fruition.

*Keep us AT IT!*

When we *do* falter, lift us up and set us back on our destined path.

We thank Thee O Lord. Amen.

Pledge of Allegiance was led by Boy Scout Troop 154, Durham.

#### NOTICE OF RECONSIDERATION

Notice of Reconsideration was served by Sen. Green on

HB 604, exempting ambulance from being required to pay tolls while on emergency calls.

Sen. SPANOS: I would like announce at this time that the entire Senate is here this evening with the exception of Sen. Trowbridge and Sen. Trowbridge sends his regrets. Sen. Trowbridge is the hard working chairman of the Finance Committee and he stayed behind in Concord in order to consider the budget and its ramifications and this takes some doing and we are all sorry that he could not be here so that you would be able to hear him and see him but he is a very busy Senator, being the Chairman of the Finance Committee.

Sen. PORTER: I move that in accordance with the list in the possession of the Clerk, the following House Bills 141 through 608 shall be by this resolution, read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 141, relative to modification of the business profits tax. Referred to Ways and Means.

HB 206, relative to the distribution of resident tax revenues. Referred to Ways and Means.

HB 409, changing the basis for retirement benefits for group I members from the highest five to the highest three years compensation. Referred to Finance.

HB 418, providing additional cost of living retirement allowances for certain state employees, and making an appropriation therefor. Referred to Finance.

HB 433, increasing the state's payment of group hospital and medical insurance for state employees and to provide ordinary death benefits for certain group I members of the New Hampshire retirement system. Referred to Finance.

HB 451, providing additional retirement allowances for certain retired teachers and making an appropriation therefor. Referred to Finance.

HB 463, establishing a sire stakes program and a standard-bred breeders and owners development agency. Referred to Ways and Means.

HB 470, establishing a New Hampshire Housing Commission; and making an appropriation therefor. Referred to Executive.

HB 509, enacting new salary grades for all classified and unclassified employees and establishing uniform overtime for classified employees. Referred to Finance.

HB 512, providing for overtime pay to state employees engaged in snow grooming and farming. Referred to Finance.

HB 1028, establishing the New Hampshire Transportation Authority, and making an appropriation therefor. Referred to Public Works and Transportation.

HB 151, establishing a solid waste committee; providing for development of a solid waste disposal program and making an appropriation therefor. Referred to Resources and Environmental Control.

HB 247, relative to a two lane extension of the Spaulding Turnpike. Referred to Public Works and Transportation.

HB 727, establishing a department of administration and finance and making an appropriation therefor. Referred to Finance.

HB 765, providing full pay to state employees, not to exceed one year, during a total disability resulting from a work-connected accidental injury. Referred to Finance.

HB 850, relative to increasing the fees for beer permits and liquor licenses.

HB 900, relative to the method of calculating state grants for sewage disposal construction. Referred to Finance.

HB 919, relative to the acquisition of a dam and water rights on the Winnepesaukee River by the water resources board. Referred to Recreation and Development.

HB 922, relative to resident hunting privileges, licensing nonresidents dragging in salt water and raising fish and game license fees. Referred to Recreation and Development.

HB 923, enacting new salary grades for all classified and unclassified employees and establishing uniform overtime for classified employees. Referred to Executive Departments.

HB 1018, abolishing certain classified and unclassified positions at the New Hampshire hospital, eliminating free maintenance for all authorized positions at the New Hampshire hospital and establishing new unclassified positions and salary ranges. Referred to Finance.

HB 811, making appropriations for Capital Improvements. Refer to Public Works and Transportation.

HB 878, relative to the definition of parent for the purpose of defining eligibility for aid to families with dependent children; providing for verification and investigation of eligibility of applicants for aid to families with dependent children; actions against absent parent; and requiring recipients of aid to families with dependent children to actively seek employment and making an appropriation therefor. Referred to Judiciary.

HB 508, creating centralized land acquisition procedures, establishing a natural heritage conservation fund, making an ap-



proportion therefor, and authorizing the issuance of bonds for such fund. Referred to Judiciary.

HB 898, relative to the authority and rights of appointed chiefs of police. Referred to Executive Departments.

HB 607, limiting the right to suit and guaranteeing compensation for medical expenses and lost wages to persons involved in motor vehicle accidents. Referred to Banks, Insurance and Claims.

HB 912, conforming state pollution control statutes to the federal requirements. Referred to Resources and Environmental Control.

HB 1027, amending in general the workmen's compensation laws. Referred to Judiciary.

HB 817, providing for notice to the municipal conservation commissions, planning boards and requiring the posting of permits for dredge and fill. Referred to Resources and Environmental Control.

HB 608, relative to revision of existing statutes which constitute misdemeanors and felonies under the provisions of the criminal code. Referred to Judiciary.

Sen. S. Smith moved that the rules of the Senate be so far suspended as to place HB 890 relative to the control of abortion on first reading at the present time.

Sen. MCLAUGHLIN: HB 890 takes the place of SB 9 which was previously discussed and I believe it will take a 2/3rds vote to be entered.

Sen. SPANOS: The Senator from the 13th district has inquired to the Chair as to whether or not this bill will require a 2/3rds vote to suspend the rules and place it on first reading. After consultations with the President of the Senate it has been decided that in fact HB 890 runs quite parallel to HB 606, the abortion bill, and consequently, we have acted to indefinitely postpone HB 606, and it will require a 2/3rds vote to suspend the rules to put it on first reading at this time.

Sen. S. SMITH: I made this motion Mr. President, as the House has acted twice on this measure to give regulations, controls to the question of abortion and due to the fact that the

bill is similar I think that there is some difference and due to the fact that there is a difference, I think that the Senate should give consideration to it.

Sen. GREEN: Mr. President, I am in opposition to that motion. Hopefully in this motion presented by Senator Smith I would hope that the Senate would vote against the motion. As you recall HB 606 was on the Senate floor and I publicly stated that I was in opposition to that bill in terms of regulation of abortion and I am in opposition to HB 890. I am in complete agreement with the Chair's ruling that it will require a 2/3rds vote to bring this bill on the floor. I feel that as a result of my voting not to indefinitely postpone the previous bill I was misinterpreted in the local and statewide newspapers as being in favor of HB 606, and the reason why I voted at that time not to indefinitely postpone was at that time I felt that there was another abortion bill to come across from the House and we would be able to act on it. Here we stand today in the situation where we have another bill and we are unable to act on it unless we agree to suspend the rules. I strongly urge the Senators to vote against the suspension of the rules.

### PARLIAMENTARY INQUIRY

Sen. DOWNING: Mr. President the rule relative to this motion pertains to the original motion on indefinite postponement and the rules are not suspendible relative to indefinite postponement.

Sen. SPANOS: It is my understanding that you can suspend the rules if you get a 2/3rds vote from the membership present.

### RECESS

### OUT OF RECESS

Sen. LAMONTAGNE: Mr. President, members of the Senate: I made the motion to indefinitely postpone HB 606 and I don't see any difference in this HB 890. I think that this would be wasting the time of the Senate especially when the time is getting close and I ask the Senate to vote down this motion.

Roll Call requested by Sen. Green, Seconded by Sen. Porter.

Yeas: S. Smith, Bradley, Porter, R. Smith, Sanborn and Johnson.

Nays: Lamontagne, Poulsen, Gardner, Green, Jacobson, Blaisdell, McLaughlin, Claveau, Ferdinando, Provost, Brown, Bossie, Downing, Preston and Foley.

Result: Yeas 6, Nays 15.

Motion lost.

#### HOUSE CONCURRENCE WITH COMMITTEE OF CONFERENCE ON

HB 233, relative to the amount of fees to be charged by the registers of deeds.

#### COMMITTEE REPORTS

##### HB 289

providing that banks which give mortgages on real property may not levy a service charge against the seller of the property. Ought to pass with amendment.

#### AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

#### AN ACT

providing that banks which give mortgage loans on real property may not levy a service charge against the seller of the property except in certain cases.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 Bank Charge for Giving Mortgage Loans. Amend RSA 384 by inserting after section 19 the following new section:

384:19-a Service Charges Prohibited. No institution under the supervision of the bank commissioner which grants a mortgage loan to the purchaser of real property shall charge a fee or service charge, sometimes referred to as "points", to the seller of said property. Provided, however, that when a mortgage loan is in part or in whole guaranteed by an agency or department of the federal government which establishes the rate for the same,

then the lending institution may, to the extent agreed to in writing by the seller, charge said seller such fee or service charge.

Sen. BOSSIE: Mr. President, HB 289 was discussed previously on our visit to the City of Berlin. At that time the bill was recommitted to the Committee on Banks and Insurance for further study. After further study, the committee unanimously has ordered to pass this bill as amended. Basically, the bill provides that banks which give mortgage loans for real property may not levy a service charge against the seller of the property except in certain cases. These certain cases are when a mortgage loan are in part or in whole guaranteed by an agency or department of the Federal government which establishes the rate for the same, then the lending institution may, to the extent agreed to in writing by the seller, charge such seller such fee or service charge. So, basically, what this does provide is that banks may not charge a service charge when actually there is no service rendered to the seller of the property and this is a good thing because apparently in some parts of the state of New Hampshire this has happened. We ask the entire Senate to go along with the committee recommendation.

Sen. BRADLEY: Sen. Bossie, in case of the loans guaranteed by a department of the Federal government, will the banks in that case provide the services to the seller?

Sen. BOSSIE: Yes, generally they are built into the purchase price so that the banks are limited to the FHA and VA mortgages to a certain amount of interest. If we did not include this portion of the bill, the banks would not and could not absolutely loan money to veterans nor for people of low income because the amount of interest the Federal government guarantees are very low, the banks just will not loan it.

Sen. BRADLEY: Will you agree with me that under this bill the banks still have no right to acquire a charge from the seller even under a federally guaranteed loan unless the seller agrees to it?

Sen. BOSSIE: Yes, I will agree with that, that is true. If the seller does not want the service charge on an FHA or VA loan then the buyer will have to go to another bank and come up with some more money.

Amendment Adopted.      Ordered to third reading.

**HB 560**

relative to the investing of state funds. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, HB 560 is relative to the investing of state funds. The bill amends the provisions of the current law as to the investment of funds by adding CD, a Certificate of Deposit to the New Hampshire state or federally chartered banks located here or in Massachusetts, the National Banks to the list of authorized investments. Quite often the CD's pay a fairly good rate of interest. The State Treasurer was recorded in favor.

Sen. S. SMITH: A year ago in the last session a bill was introduced and passed which increased the borrowing power of the state because of the problem with the cash flow and the need to borrow money on a short term basis. Are there periods during the year do you know when it would be possible for the Treasurer of the state to invest for periods of 30, 60, or 90 days in the Certificate of Deposit? Do we have a surplus of cash for that period of time?

Sen. JOHNSON: We did not touch on that very much at the committee hearing. The sponsor of the bill, Rep. Twigg felt that there were sums around that would be invested and would yield a large income but we did not get into specifics.

Sen. PROVOST: Sen. Johnson, could you tell me why the state of Massachusetts was included in this?

Sen. JOHNSON: The state of Massachusetts, the National Banks of Massachusetts were included to broaden the field of investment to the best possible rate of money.

Sen. BRADLEY: Sen. Johnson, why was Massachusetts elected over any other state, Maine, or Vermont, or any other state for that matter, aren't they as good?

Sen. JOHNSON: Massachusetts was selected because their city banks are bigger banks and Boston, Massachusetts is the financial center of the country. This is where most of the money is and there aren't that many big banks in New Hampshire that could handle the large certificates of deposit.

Sen. BRADLEY: How about New York?

Sen. JOHNSON: We could go on without end and add



states to this but this thing is simple because the sponsor felt and the State Treasurer, that this would broaden the field for the amount of money that would be available to invest.

Sen. JACOBSON: Is not Massachusetts included because presently in the Boston area where the large banks are and the municipalities and the state may borrow and in fact do borrow large sums of money?

Sen. JOHNSON: I think that you are exactly right and there are the principal bond interests there also.

Adopted.      Ordered to third reading.

### **HB 748**

relative to the definition of accidents for the rating of insurance policies. Inexpedient to legislate. Sen. Ferdinando for the Committee.

Sen. Ferdinando moved that HB 748 be recommitted to the committee on Banks, Insurance and Claims.

Sen. FERDINANDO: I do so Mr. President because having discussions with some of the members of the Senate it seems that there should be a proper amendment that will accomplish what the majority of the Senators want to accomplish.

See. LAMONTAGNE: Sen. Ferdinando, could you assure us that you will bring back this bill?

Sen. FERDINANDO: I can assure you that I will be happy to bring back this bill. The way that the bill reads now is that the irresponsible driver would not be charged for accidents and it was the feeling of the committee at that time that a good driver would be subsidizing the bad drivers and we feel that if we could come up with an amendment that should make almost everybody happy.

Sen. LAMONTAGNE: Will this take care of the problem that I talked over with you before in reference to, not commercial because commercial cars are exempt, but the privately owned cars as you know right now under the point system that has the accident is the one that has to pay for the increase in the insurance rate. Now would your amendment have anything to do with this and changing that so that the accidents, if an unfortunate person gets into an accident that the rates will be

charged according to the amount of accidents that are going on in this state?

Sen. FERDINANDO: The amendment should take care of the one car accident that has been involved and I would hope, and you will have a change when we come back with the amendment that you can evaluate it and base your decision on it.

Sen. CLAVEAU: This appears to be a fairly simple bill. Will you give us a brief explanation of just what the amendment changes?

Sen. FERDINANDO: The way the bill reads now is that the only time when anyone has to pay a surcharge after being involved in an accident is when they have to go to court or when there is a moving violation so this means that the irresponsible driver who causes an accident day in and day out is not going to court because either a policeman wasn't involved or for some other reason that there was not a court process. In essence it would be subsidized by all of the good drivers and for this reason the committee felt that they should come up with an amendment to improve the existing situation and I would be the first one to say that there should be improvements in the existing situations and we need a little more time to come up with the amendment to make everyone happy.

Sen. CLAVEAU: I am going to reluctantly support the recommitting of this bill. I think that we have been playing around with a lot of these insurance bills and we have heard bills that have been inexpedient to legislate because the bills have been too complicated and yet this is a very simple bill and we have to recommit it because the committee didn't understand it in the first place and I think that we have been playing games with these bills and we should bring them up because it is in the public interests.

Adopted.

#### HB 752

amending the Rochester city charter to increase the salary of the mayor. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, HB 752 was sponsored by two Representatives from Rochester. It has to do with amending the Rochester City Charter to increase the salary of the

Mayor from \$4,000 to \$10,000. Rep. Thompson testified and Senator Green testified both favorably at the hearing held in Rochester and there was no opposition. This act will have to be ratified by referendum to be held in Rochester in November. There was a unanimous vote by the committee of ought to pass.

Sen. GREEN: Mr. President, I rise in support of the committee report. I believe that the question before you is one that is agreed to by all those concerned in the city of Rochester. I do urge your support. The city of Rochester does have a need to increase the salary of the Mayor. It is becoming and should be a full time job, dealing with a five million dollar budget each year, and I think that this is minimal of remuneration for the mayor of that city.

Adopted.      Ordered to third reading.

#### **HB 777**

relative to the combined office of town clerk-tax collector. Inexpedient to legislate. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this bill calls for a combination of offices — the Town Clerk and the Tax Collector and it takes precedence over the possible three year term offices for the incumbent office holders and it was felt by the committee that the duties were separate and apparently it is a local unity and it was felt that we should not sponsor this throughout the state. There were questions on the term of office for the candidates, those who were elected for a three year term might be disfranchised and thus the inexpedient to legislate.

Sen. BOSSIE: Senator Preston, was there any testimony given before your committee in regards to the number of Town Clerks within the state of New Hampshire that are also tax collectors now?

Sen. PRESTON: One community Senator was presented in the testimony.

Sen. SANBORN: Senator Preston, is it true that many of the small towns are now setting up a more or less semi-permanent Town Clerk office so that the Town Clerk will hold the office hours at regular intervals during the week, say two or three days a week?

Sen. PRESTON: That is correct.

Sen. SANBORN: Wouldn't it be an advantage to that town or community instead of having to hunt for a tax collector around the back roads to be able to go to the Town Clerk's office and get rid of their taxes during regular hours?

Sen. PRESTON: It might be more convenient as presented, but there is additional problems relative to the elections. The term that the current office holders now serve and adopt such a referendum, it was felt that some might be inclined to run for the office which requires some expertise in the face of such a referendum showing that one or two of them might not be elected.

Adopted.

#### **HB 804**

establishing the ward lines and providing for redistricting of the city of Franklin. Ought to pass with amendment. Sen. Jacobson for the Committee.

#### **AMENDMENT**

Amend the bill by striking out section 2 and renumbering sections 3, 4, 5, 6, and 7 to read respectively:

2 3 4 5 6

Further amend the bill by striking out section 8 and inserting in place thereof the following:

7 Effective Date. The provisions of section 6 shall take effect upon the passage of this act. If the provisions of this act are adopted in accordance with the provisions of section 6, the remaining provisions of this act shall take effect October 1, 1974.

Sen. JACOBSON: Mr. President, HB 804 deals with the redistricting of the City of Franklin. The original bill made the redistricting so that a portion of ward 1 would be across the river. There was considerable discussion in the City of Franklin and with the City Council and it was decided that we would continue Ward 1 lines as they presently are and then redraw ward lines with Ward 2 and Ward 3. Hence, because of that agreement there needed to be an amendment which would then bring the redistricting out of the House of Representatives back to the original form which it is at the present time. If the original bill had passed the House it would have required that the

present representatives in the City of Franklin would all have been elected at large. That is the committee amendment and it makes it with the bill as passed in the House.

Amendment Adopted.      Ordered to third reading.

### HB 802

permitting the city of Franklin to suspend the verification of the checklist. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, HB 802 relates to the verifications of the checklist in the City of Franklin. We had to take up HB 804 before we could take up HB 802 and if we did not pass HB 804 there would have been no point in passing HB 802. What this does it to allow suspension of the present statute so that the verification of the checklist will take place after the November City elections because of the redrawing of ward lines. If this bill does not pass it would require the City of Franklin to verify the checklist twice and that seems to be an irrational requirement as long as we have passed HB 804.

Adopted.      Ordered to third reading.

(Sen. Porter in the Chair)

### HB 651

to provide for termination of certain charitable trusts. Ought to pass with amendment. Sen. Bradley for the Committee.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Failure of Purpose of Charitable Trust. Amend RSA 498 by inserting after section 4-c the following new section:

498:4-d Termination of Charitable Trusts. If the superior court, upon application by the trustee, or trustees, finds that the continuance of charitable trust is impracticable or unfeasible, and that the charitable purpose of the settlor or testator can be accomplished by a transfer of the trust assets to another charitable trust or corporation, or to the beneficiaries of said trust, the trust is subject to termination by the court upon such terms and conditions as it may impose. This section shall not be construed to limit or restrict the general equitable jurisdiction of the court over trustees, trusts or trust funds.



Sen. BRADLEY: Mr. President, the amendment to this bill is printed on page 25 of today's Calendar. The amendment as printed is the entire bill with the exception of the effective date. This bill was amended in the House and the only amendment that the Senate is now being asked to put on the bill is on the last sentence which simply makes it clear that we are not affecting the power of the court in the question of these charitable trusts in any way except as provided in the new section of the RSA's. This bill, if passed, would make it clear that the superior court in the application of the trustees of a charitable trust could terminate that trustee if the court finds that the trustee has become impractical or unfeasible to administer.

The bill was introduced in the House last session by me as a representative and it was sent to the Judiciary Council and it came back from the Council with the recommendation of ought to pass. The need for the bill was brought about by the federal legislation, federal tax reform act of 1969 and it puts restrictions and an excise tax on some of these charitable trusts. This tax can make these trusts impractical to administer so this allows the trusts to be terminated or turned over to some agency in New Hampshire so that it can be better administered or simply terminated for some other purpose.

Amendment adopted.            Ordered to third reading.

#### HB 701

relative to appeal bonds in eviction proceedings. Ought to pass with amendment. Sen. Bradley for the Committee.

#### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Rent Escrow Pending Appeal. Amend RSA 540:25 (supp), as amended, by striking out said section and inserting in place thereof the following:

540:25 Recognizance, by Defendant. The defendant, while his appeal is pending, shall pay into court or to the plaintiff, as the court directs, all rents becoming due after the appeal is filed. In any case in which the duty to pay rent or a portion thereof is in dispute, the defendant shall be required to pay

such portion of the rents becoming due after the appeal is filed into court, as the court may direct, which amounts shall be held by the court in escrow until a final decision is rendered. After such decision has been rendered, the escrowed rent money and any accrued interest thereon shall be apportioned between plaintiff and defendant on the basis of a finding of rent actually due during the pendency of the appeal. For the purpose of this section, "rent" shall mean the amount of money called for by the lease or rental agreement at the time the action for possession was instituted.

Sen. BRADLEY: Mr. President, the amendment to this bill as proposed is on page 23 of today's Calendar. The amendment which is being proposed by the committee simply changes the second sentence of the bill to provide only a portion of rents need to be paid into court as the court directs. The bill itself, the amendment doesn't make sense unless I explain the bill first. The present law is that if a person who is a tenant and who is evicted by a landlord and wishes to appeal the eviction to the superior court, the tenant not only has to continue paying his rent but he has to come up with a bond. Now the way this works is that these bonds are virtually non-existent and there are no insurance companies that sell such a bond and as a practical matter the law written prevents any tenant who feels that he has been affected by a decision of the district court in relation to an eviction proceeding appealing to the superior court. Now, this bill would attempt to prevent that particular injustice, and the bill simply provides that a tenant who wants to appeal an eviction will have to continue to pay the rent to the court or to the district court or perhaps to the plaintiff and if a portion is in dispute then such portion of the rent must be paid into the court. The bill was sponsored by Rep. McManus of Dover and it has the support of the New Hampshire legal assistance who has a department with a number of these cases and it was felt that the tenant was unfairly prevented from appealing and there was no opposition to the bill at the hearing.

Amendment Adopted.      Ordered to third reading.

#### HB 747

concerning conservation and preservation restrictions on real property. Ought to pass with amendment. Sen. Bradley for the Committee.

## AMENDMENT

Amend RSA 477:45 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

## 477:45 Definitions.

I. A conservation restriction shall mean a right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to, or uses of, a land or water area, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the area or in any order of taking, which right, limitation, or obligation is appropriate to retaining or maintaining such land or water area, including improvements thereon, predominantly in its natural, scenic, or open condition, or in agricultural, farming, open space or forest use, or in other use or condition consistent with the protection of environmental quality.

II. A preservation restriction shall mean a right to prohibit or require, a limitation upon, or an obligation to perform, acts on or with respect to or uses of a structure or site historically significant for its architecture, archaeology or associations, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the structure or site or in any order of taking, which right, limitation or obligation is appropriate to the preservation or restoration of such structure or site.

Sen. BRADLEY: Mr. President, the amendment to this bill is printed on page 24 of today's Calendar and again the amendment will not make much sense unless I attempt to explain the bill. Under the existing law there are some rather technical rules that prevent certain types of restrictions on real estate from being enforced. For example, there is a doctrine in the law which says that unless a party seeking to enforce one of these restrictions is in privity or some sort of contractual relationship with the other person not entitled to enforce this restriction and this makes the land, for example, say that it can't be used for commercial purposes. Now, under the existing laws there is a kind of doctrine that prevents that from being enforceable and there are some other technical rules that will prevent this type of restriction from being enforceable. What this bill does is to say that if an entity such as a charitable or

educational or other corporational association, trust or other entity, whose purposes include preservation of structures or sites of historical significance or of a particular structure or site, if this is that kind of entity which is holding one of these types of restrictions then it may force such a restriction despite the lack of privity or other particular restriction.

So in essence this is a technical bill and it is difficult to explain. What this is doing is allowing an agency such as the Conservation Commission to obtain restrictions and land and reserve the land on restrictions, historical sites, which reserve it and make them legal and they might otherwise not be legal. All the amendment does is to change the bill which deals only in the original form only with the negative easements, which prevent you from doing something. It also includes an affirmative easement for restrictions which require you to do something and an affirmative easement might be one which might require you to maintain your property in a particular way, requires you to remove garbage or trash from your property, the bill as originally written would not have included that kind of affirmative easement and it only would have included the negative one but this amendment picks up both kinds.

Now I would draw an analogy between this bill and an earlier bill introduced by Senator Porter which gave individuals the right to sue to protect the environment that they don't now have because of a particular and technical doctrine in the law. Senator Porter's bill loosens up that doctrine and allows people to sue to protect the environment. This bill is similar to that and it will allow conservation societies to take steps to protect the environment where the doctrine now prevents them from doing so.

Sen. POULSEN: It seems to me that on restrictions that you place on deeds now, like the restriction not to subdivide has a time element which becomes null after ten years or something like that. Is that right?

Sen. BRADLEY: They usually write some sort of time restriction on them. If there is not a time restriction the court will usually impose some kind of restriction on them depending on the nature of the restriction.

Sen. POULSEN: Should there be some mechanics in this so that these things can't go on forever? In other words if Co-



lumbus had such a restriction on Manhattan or whatever, would that not be a problem right now?

Sen. BRADLEY: I guess I would answer your question by saying that this bill isn't dealing with that particular problem and doesn't change the law with respect to the length of time which these things might be enforceable.

Amendment Adopted.      Ordered to third reading.

### HB 577

relative to child placing and the care of children. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: The first part of this bill amends the current statutes relative to placing the children whose parents or guardians are unable to support them by raising the age limit of the children from sixteen to eighteen. The second part of this bill repeals a number of sections relative to cruelty of children, prosecution, placement, etc., that are covered and duplicated in other statutes.

There was no opposition to this bill and it was strongly supported by the Division of Child and Family Services and recommendations were made by the Governor's Commission on Laws affecting Children.

Sen. FOLEY: I notice that there is no appropriation on this bill. Will it require any money and if so has the Finance committee been notified?

Sen. PRESTON: No, this just changes some of the wording in the statutes and it does away with some of the repetitive statutes.

Adopted.      Ordered to third reading.

### HB 640

authorizing the governor to enter into contracts with veterinary medical schools. Ought to pass with amendment. Sen. Sanborn for the Committee.

### AMENDMENT

Amend the bill by striking out all after section 2 and inserting in place thereof the following:



3 Amend RSA 332-C:4 (supp), as inserted by 1972, 60:68, by striking out said section and inserting in place thereof the following:

332-C:4 Repayment of Funds. The state comptroller shall prepare a note for signature of a recipient hereunder. The note shall be in an amount that equals, but not exceeds, the difference between the yearly university of New Hampshire (Durham) resident tuition fee and the like college or school resident tuition fee at the college or school where the student is accepted and enrolled, if the instate tuition at the contract college or school is lower. The New Hampshire coordinating board of advanced education and accreditation shall certify whether such student is a resident of New Hampshire in accordance with the definition of "resident" and related policies as adopted by that board, which definition shall have been approved by the governor and council.

4 Effective Date. This act shall take effect July 1, 1973.

Sen. SANBORN: Mr. President, the amendment to this bill is printed on page 24 of your Calendar and what it does it establishes, by using the same verbiage as the one we had prior to this, where the student is going to Dartmouth. It establishes what a resident is. This bill authorizes the Governor to enter into an agreement with a qualified veterinary school and to allow for five students from the state of New Hampshire who are residents and there is already such an agreement with the Ohio State University and this is for some other accredited college in this area. It was recommended that it ought to pass.

Amendment Adopted.      Ordered to third reading.

#### COMMITTEE OF CONFERENCE REPORT ON HB 270

The committee of conference to which was referred House Bill 270, an act relative to county election and vacancies of county offices, having considered the same report the same with the following recommendations:

That the House of Representatives recede from its position on non-concurrence in the Senate amendment and adopt the Senate amendment to the bill.

Rep. Richard D. Hanson  
Rep. Shirley K. Merrill  
Rep. John M. Bednar  
Rep. Ezra B. Mann  
Rep. Roy W. Davis  
Conferees on the part of the House

Sen. Alf E. Jacobson  
Sen. Andrew W. Poulsen  
Sen. Robert F. Preston  
Sen. William E. Sanborn  
Sen. Eileen Foley  
Conferees on the part of the Senate

Sen. Jacobson moved adoption of the report.

Sen. PRESTON: Mr. President, HB 270 as it came from the House originally had two parts, one part was that the recount in the county commissioners' race would be transferred from the superior court to the Secretary of State in the same way that all other recounts all take place. The second part dealt with the way in which county offices when they became vacant would be filled. It was that portion that the Senate eliminated because such offices as the Register of Deeds and the County Treasurer were felt to be less political in nature and it was hoped that we might come up with some kind of compromise to solve the situation, however, the time was not on our side and so the House Committee decided to simply accept the first portion of the bill which we passed as the amended version which simply transfers the recount of the county offices from the superior court to the Secretary of State and that is what the end result of HB 270 was.

Adopted.

Sen. Lamontagne moved that we reconsider action taken on HB 747 and at this time make it a Special Order of Business for tomorrow at 1:01.

Sen. LAMONTAGNE: Mr. President, members of the Senate, the Honorable Senator from the Second district and myself would like a little time to look over this bill before it takes a third reading and final passage.

Sen. BRADLEY: Mr. President, I have no objection to this.

This particular bill, I would like all the Senators to feel that this has been satisfactorily explained before we vote on it.

Adopted.

Sen. FOLEY: I move that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that they be passed at the present time, and that when we adjourn, we adjourn until tomorrow in Concord at 1:00 p.m. and with thanks to Troop No. 154, Durham, Bill Davison, Costas Balomenos, Mark Pilar and Jerry Collins; the New Hampshire Network, Keith Neighbert, Station Mgr., Bruce St. George, Executive Producer; Durham League of Women Voters, Jane Forste, President; and in Honor of the New Hampshire Network, WENH TV which so well serves the entire state of New Hampshire with outstanding programs.

Adopted.

Sen. JACOBSON: Mr. President, I would like in the record an explanation of why I voted no on the introduction of HB 890. I simply voted no because I am a strong believer that once a bill has been defeated that there is no hope of changing any votes and there ought not to be any further discussion because we have too much business to take up at the present time, without going through and coming up with the same results as we had before.

Sen. SPANOS: We are very proud and honored to be on the campus of one of the finest land grant universities in the country and I would like to congratulate the New Hampshire network for putting on this program as a public service to the people and I sincerely hope that the people back home after watching the Senate in action don't think they are still watching Watergate. We also hope that the networks solicitation of funds will be a great success and adequate funding will be provided by the General Court.

Sen. NIXON: Thank you, Mr. President, and members of the Senate. On behalf of the Senate and the rest of the state government, I would like to thank the boys and girls for being here this evening. This is the last of the so-called home town

Senate sessions and I do not think, even though it has been a worthwhile experience, for all of us to be through it, I think that it will be a long time before the New Hampshire State Senate will again meet in the various places throughout the state and in that respect I would like to thank those of you who have taken the time this evening to watch the New Hampshire State Senate, and finally and most importantly, I thank the members of the Senate who have participated in loyalty and attendance and otherwise at the hometown Senate sessions throughout the state and I have courtesy and respect for the Senate as an institution and for you and your wives for making the arrangements for us to be around. It has been an honor and a pleasure for me to be associated with you in this venture and all times. Thank you very much ladies and gentlemen.

#### LATE SESSION

##### Third reading and final passage

HB 289, providing that banks which give mortgage loans on real property may not levy a service charge against the seller of the property except in certain cases.

HB 560, relative to the investing of state funds.

HB 752, amending the Rochester city charter to increase the salary of the mayor.

HB 804, establishing the ward lines and providing for re-districting of the city of Franklin.

HB 802, permitting the city of Franklin to suspend the verification of the checklist.

HB 651, to provide for termination of certain charitable trusts.

HB 701, relative to appeals bonds in eviction proceedings.

HB 577, relative to child placing and the care of children.

Adopted.

Special Thanks given by Senate President David L. Nixon.

Sen. Lamontagne moved the Senate adjourn at 2:30 p.m.

*Friday, 8Jun73*

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

It's been a hard week, God, and our minds are tired. We feel discouraged and confused at the things we have left undone.

What have we accomplished?

Has it been worth it?

All this rushing around — the fatigue. Are all these problems of the Senate ever to be settled?

Remind us, Lord, now — that as soon as our bodies are rested, we will be less critical — the problems will be solved and we will be able to weigh the pros and cons adequately.

But for just now — we thank Thee for this particular time of easing our frustrations and thank Thee for the Blessing of a new week in store. Amen.

Pledge of Allegiance was led by Rev. Fischer.

#### HOUSE MESSAGES

#### HOUSE REQUEST CONCURRENCE ON AMENDMENT TO

SB 129, relative to the form of ballots for election of delegates to the national conventions.

#### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the form of ballots for election of delegates to the national convention and for primary elections.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:



3 Primary Ballot Form. Amend RSA 56:29 by inserting in line six after the word "for" the following (or such other instruction as the secretary of state may deem necessary to clarify the ballot.) so that said section as amended shall read as follows:

56:29 Preparation. At least ten days before any primary is to be held an official ballot for each political party shall be prepared by the secretary of state, and shall be as nearly as is practicable in the same form as ballots used at elections. Below the name of each office shall be printed in small but easily legible letters the words "Vote for not more than" followed by a spelled number designating how many persons are to be voted for or such other instruction as the secretary of state may deem necessary to clarify the ballot.

4 Effective Date. This act shall take effect January 1, 1974.

Sen. BOSSIE: Mr. President, this amendment is a simple one that gives the Secretary of State the authority to set up the ballot in such a manner that it would be clear in the state. Under the ballot reform that we passed in the Senate, the House is concerned that individuals will know exactly who and what they are voting for. I ask you to concur with this amendment.

Sen. Bossie moved that the Senate concur with the House amendment.

Amendment adopted.

Sen. S. Smith moved that the joint rules of the Senate be so far suspended as to allow introduction of a Senate bill.

Adopted.

Sen. S. Smith moved that the rules of the Senate be so far suspended as to place on second reading at this time SB 270 without the necessary hearing and publication in the Journal.

Adopted.

SB 270, to repeal charters of certain corporations. Ought to pass, Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this is a bill which by necessity has come in late. It is an act to repeal the charters of certain corporations. The reason why it is late is that the last date upon which a corporation may return notice to the Attorney General after he has sent out a letter is June 1st. So there-

fore the bill could not be drafted until after the 1st of June. What the bill does is dissolve the charter or certificate of the corporation at their request or with those that are delinquent. It also provides for reinstatement of the corporation within ninety days after the effective date of statute. This is a house-keeping bill.

Adopted.      Ordered to third reading.

Sen. Lamontagne moved that the rules of the Senate be so far suspended as to allow introduction of a committee report without the necessary notice in the Journal.

Adopted.

HB 248, relative to the construction or reconstruction of a bridge in the Town of Jefferson. Ought to pass. Sen. Lamontagne for the Committee.

Sen. LAMONTAGNE: Mr. President, the committee feels that this bill, relative to the reconstruction of the bridge in the town of Jefferson, ought to pass and that it go to Senate Finance.

Adopted.      Referred to Finance.

#### HOUSE REQUESTS CONCURRENCE ON AMENDMENTS TO

SB 56, revising the scenic roads act.

Sen. Foley moved that the Senate non-concur and request a Committee of Conference.

Adopted.

The president appoints to said committee of conference Sens. Brown, Trowbridge and Foley.

The CHAIR: The Chair would also appoint at this time Sens. Poulsen, Johnson, and McLaughlin to the Committee of Conference on HB 62.

Sen. Downing moved reconsideration of HB 777 at this time.

Sen. DOWNING: Mr. President, if the Senate supports my motion to reconsider, it would then be my intention to move to recommit this bill to the committee.

Sen. LAMONTAGNE: What effect does this have with any cities that have charters that set up the city clerks in one way and the city treasurers in another?

Sen. DOWNING: There isn't any.

Sen. JACOBSON: Mr. President, I would like to clarify the action that the committee took. The serious question was raised that a person who was elected to a three year term as town clerk or tax collector could as interpreted by the committee be shorn of his office by an action other than the statute. And the committee felt that that would not be a fair to a person who committed himself or herself to a three year term. However, I indicated to Sen. Downing and Sen. Sanborn that we take the bill back and reconsider it and amend it so that everyone will be happy.

Sen. S. SMITH: I'm not in opposition to this but I was under the impression that these were jobs that could not be filled by the same person. Is there any conflict here?

Sen. JACOBSON: At the present time I believe not.

Sen. CLAVEAU: I see where one person has filled the two jobs very well.

Adopted.

HB 777, relative to the combined office of town clerk-tax collector. Inexpedient to legislate. Sen. Preston for the Committee.

Sen. Downing moved that HB 777 be recommitted to the Committee on Executive Departments, Municipal and County Governments.

Adopted.

Sen. Johnson moved that HB 1045 be vacated from the Rochester delegation and said bill be referred to the committee on Executive Departments, Municipal and County Governments.

Adopted.

#### HOUSE CONCURRENCE WITH AMENDMENT TO

HB 358, relative to overtime pay for nursing home employees.

## HOUSE CONCURRENCE

SB 134, relative to insurance holding companies and regulating the use of company names.

SB 138, relative to nonforfeiture benefits of life insurance policies, and reserve valuation standards for life insurance policies and annuity contracts.

SB 175, relative to raising the limit on state agencies field purchases from fifty to one hundred dollars.

SB 124, changing the classification of certain class V highways to class II highways.

SB 161, designating a certain portion of route 13 in New Boston as Davis Scenic Drive.

## HOUSE NONCONCURRENCE

SB 30, requiring the separate listing of homestead residence property.

## ENROLLED BILLS AMENDMENT

HB 442, relative to the age of children placed in a child-agency.

## AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

## AN ACT

relative to definition of child-caring agency and the age of children placed therewith.

Sen. SMITH moved that the Senate concur with the enrolled bills committee.

Amendment Adopted.

## ENROLLED BILLS REPORT

SB 138, relative to nonforfeiture benefits of life insurance policies, and reserve valuation standards for life insurance policies and annuity contracts.

SB 161, designating a certain portion of route 13 in New Boston as Davis Scenic Drive.

SB 175, relative to raising the limit on state agencies field purchases from fifty to one hundred dollars.

HB 233, relative to the amount of fees to be charged by the registers of deeds.

HB 728, relative to physical therapists practice.

Sen. Provost  
*For The Committee*

### COMMITTEE REPORTS

#### HB 622

relative to statement of expenditures requested by the budget committee Ought to pass with amendment. Sen. Jacobson for the Committee.

### AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Statement of Expenditures. Amend RSA 32:12 by striking out said section and inserting in place thereof the following:

32:12 Statement of Expenditures. Upon request by the budget committee the selectmen, town manager, school board, precinct or village district commissioners shall forthwith submit to said budget committee a statement of all expenditures by them made in such detail as the budget committee may require. The budget committee shall meet periodically to review the statement of all expenditures submitted to them by the selectmen, town manager, school board, precinct or village district commissioners but such requirement to meet periodically shall not be construed to mean that the budget committee shall exercise authority over the expenditures at that time.

Sen. JACOBSON: Mr. President, HB 622 simply requires that the Budget Committee meet quarterly to go over the expenditures of the town or other political sub-divisions. What the amendment does is, it adds the words "precinct" so that all political sub-divisions are in fact included under the statutes.



Amendment Adopted.      Ordered to third reading.

### PERSONAL PRIVILEGE

Sen. JACOBSON: It has been reported to me regarding an editorial in the Manchester Union Leader of this morning. I understand it deals with the Committee of the Whole and since I made the motion I would like to explain it. As you all know there are many bills that come to the legislature in which any given legislator many have some conflict of interest. As you know in the House certain individuals took rule 16 which would be the counterpart of Senate Rule 42. What the Committee of the Whole discussed was simply this, whether or not certain senators would take Rule 42. The problem was that if a senator in the early voting did not take Rule 42 under some potential conflict of interest and some senator later on in the voting took Rule 42 under some potential conflict of interest it was only in fairness that all senators knew whether anybody was to take Rule 42. And that was the whole sum and substance of the discussion.

Sen. SPANOS: Did the president of the Senate or the vice president of the Senate at his own instigation ask that you call a Committee of the Whole?

Sen. JACOBSON: It was a conference of several senators.

Sen. Bradley moved the rules of the Senate be so far suspended as to allow introduction of a committee report without the necessary notice in the Journal.

Sen. BRADLEY: Mr. President, I have several bills which have been heard by the committee and we didn't get them into the report of the Journal today and most of them are simply housekeeping or totally noncontroversial and I'd like to get going on them.

Adopted.

### HB 483

to provide for republishing or recompiling volume 3-A of Revised Statutes Annotated and making an appropriation therefor. Ought to pass. Sen. Bradley for the Committee.

This particular bill is the annual bill that is required for the appropriations for the RSAs which need to be printed in the next biennium. This bill is put in each year to take care of

the things that will happen next year. This particular bill provides for the republication of volume 3A of the RSAs. The only thing in these bills worthy of note is that in the original bill it provided that the contract for the republishing would be put up for bid. It was discovered that this was impractical.

Adopted. Referred to Finance.

### SUSPENSION OF RULES

Sen. Bradley moved that the rules of the Senate be so far suspended as to allow the introduction of a committee report without the necessary notice in the Journal.

Adopted.

#### HB 527

to provide for replacement volumes 5, 5-A and 6 for Revised Statutes Annotated and to provide a complete set of Revised Statutes Annotated for each standing committee of the House and Senate and making an appropriation therefor. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: This is the same as the bill we just acted on except that it covers volumes 5, 5A and 6.

Adopted. Referred to Finance.

Sen. Bradley moved that the rules of the Senate be so far suspended as to allow for an introduction of a committee report without previous notice in the Journal.

Adopted.

#### HB 354

relating to arrest without a warrant. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill was enacted word for word in the Senate bill we've passed so that this bill should be inexpedient.

Adopted.

Sen. Bradley moved that the rules of the Senate be so far suspended as to allow for an introduction of a committee report without previous notice in the Journal.

Adopted.

**HB 484**

to provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill falls in the category of the other bills dealing with the RSAs, except this one pertains to the cumulative pocket supplements.

Adopted. Referred to Finance.

Sen. Bradley moved that the rules of the Senate be so far suspended as to allow the introduction of a committee report without previous notice in the Journal.

Adopted.

**HB 556**

relative to the Trustee of the New Hampshire Annual Conference of the United Methodist Church. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill would allow this particular corporation to have the same powers that other similar corporations have. For some reason it has limited powers to hold property and needs to be put on the same footing as other corporations.

Adopted. Ordered to third reading.

Sen. Bradley moved that the rules of the Senate be so far suspended as to allow introduction of HB 649 without publication in the Journal.

Sen. BRADLEY: This bill has a little more substance to it. This bill would simply make mandatory a program which is already carried on to a great extent. And this program is when a person gets killed in an automobile accident there is usually a blood-alcohol test made on the body. It is usually done in 70 to 80% of the cases now and this would make it so that it is done in all cases. This bill also provides that the test will be kept confidential unless needed for court action.

Sen. DOWNING: Mr. President, I rise in opposition to suspend the rules to allow this bill to be brought to the floor.

Sen. BRADLEY: I withdraw my motion.

## PERSONAL PRIVILEGE

Sen. S. SMITH: Mr. President, I read this morning in the Manchester Union Leader an article entitled, "Up to his old tricks." There was a picture of our vice president. The editorial in my view is a slur not only on the vice president of the Senate. What disturbs me most particularly in this was the sentence which read, "he was even willing to flout the 1970 right-to-know-law which specifically prohibited this sort of high-handed nonsense." I would like to ask each Senator whether or not they consider the going into a meeting of the Committee of the Whole as a high-handed piece of work. I would also like to state that this is not the first time that the State Senate has gone into the committee of the Whole and it seems to be a prerogative on most legislative bodies. And I think that I have no idea in any way that this is in violation of the right to know law. I think that this Senate or the House has every right when it deems necessary to go into the Committee of the Whole. I also would think that the explanation of it, given by Sen. Jacobson does not need to be given, as this something which will work for the betterment of the people of this state.

Sen. PRESTON: I don't think that there's a senator in this chamber that has more experience with the Committee of the Whole than I. I saw no publicity newspapers when a Committee of the Whole was called and I was ousted from the chamber in 1964. Perhaps it was I more than anyone else who ignited the discussion of this. I was personally concerned that my actions have in any way been responsible for this Committee of the Whole. I feel badly that they resulted in the verbal assault against the vice president of the Senate who with others were considerate in perhaps not embarrassing myself and others in similar predicaments.

Sen. JACOBSON: Sen. S. Smith, it says in article 37 of our constitution that the Senate shall determine their own rules of proceedings. Is not the Committee of the Whole one of those procedures that we have the right of the constitution to hold?

Sen. S. SMITH: I would refer to Rule 35.

The CHAIR: The Chair wishes to announce again, that in respect to Committee of Conference on HB 43, Sen. Preston's name has been substituted for Sen. Porter with respect to that bill. The other three members of said committee are Sens. Sanborn, Brown, and Gardner.

## SPECIAL ORDER OF BUSINESS 1:01

**HB 309**

relative to the confidentiality of business profits tax records and files. Ought to pass. Sen. Smith for the Committee.

Sen. S. SMITH: Mr. President, this bill limits the Governor and Council from going into the individual particular files of those who are paying the profits tax. I hope the Senate will go along with the committee report.

Sen. SPANOS: I rise in support of the committee report ought to pass. I'd like to say that I think HB 309 will avoid future temptations, activities and transgressions.

Sen. JACOBSON: Would you agree that the fishing expedition of which you speak helped to tighten interest in this particular bill?

Sen. SPANOS: Very much so.

Sen. JACOBSON: Would you agree that we should change the law based upon violation?

Sen. SPANOS: If you have a case where there are violations and the law does not cover the violation then we should enact laws.

Sen. JACOBSON: In this particular case the statute did allow the Governor and Council to examine tax files.

Sen. SPANOS: I think based on the Supreme Court decision that there was a violation of the law as they saw it. The fact that there was a violation certainly has heightened the interest and merit of the bill.

Sen. JACOBSON: Many times the Senate or the House will set up an interim committee to study certain phases of government to improve on legislation. Would this piece of legislation prevent the Senate from establishing an interim committee to study the business tax?

Sen. SPANOS: I don't believe so.

Sen. SANBORN: In other words, if there was a special committee to study the business profits tax the only way we could study it would be from rumor or hearsay.

Sen. SPANOS: You would be able to study this very care-



fully outside the periphery of what a particular person's taxes showed.

Sen. PRESTON: Would you say that this was a political bill?

Sen. JACOBSON: I would say that each individual votes or speaks for a bill based upon whatever prospectives they may have at that given moment.

Sen. BOSSIE: Senator Jacobson, would you support HB 309 if the governor were a Democrat in the same position as the present governor?

Sen. JACOBSON: I would say that we should treat Republicans and Democrats alike.

Roll call requested by Sen. Blaisdell, Seconded by Sens. Green and Lamontagne.

Yeas: Sens. Lamontagne, Poulsen, S. Smith, Gardner, Bradley, Green, Jacobson, Spanos, Blaisdell, Trowbridge, Porter, McLaughlin, Claveau, R. Smith, Ferdinando, Sanborn, Provost, Brown, Bossie, Johnson, Downing, Preston and Foley.

Result: Yeas, 23; Nays, 0.

Adopted.

Sen. Jacobson offered an amendment.

Sen. JACOBSON: Mr. President, what this amendment does is it prevents the naming of individuals under investigation, until the investigation is complete and the individual is charged with some violation. If you will recall a recent case in the training school regarding a man named Mr. Jaches. The commission of Health and Welfare received a tip that there was a problem with the accounts. They investigated the accounts and then charged the man. It is also true that the Governor and Council have asked that this amendment be placed into the confidentiality statute.

Sen. PRESTON: I don't see where that's spelled out after they've been charged.

Sen. JACOBSON: That would be the case.

Sen. GREEN: Senator under this amendment, would the

people who are being investigated have knowledge that this was going on?

Sen. JACOBSON: No, they would not.

Sen. GREEN: If this amendment as presented was passed in the present form, would this amendment have disallowed the names of the corporations that were given out earlier this year to have occurred?

Sen. JACOBSON: Yes, it would have.

Sen. GREEN: Do you feel that it's in the best interest of the public to not be aware that such an investigation has taken place?

Sen. JACOBSON: I would have to draw a distinction between two factions. I think it would be in the public interest that the Governor did in fact violate the law, but I don't believe the information with respect to the names that he asked for should have been revealed.

Sen. S. SMITH: Senator, in your comments you indicated that the Governor and Council ordered to recommend this amendment to the Senate?

Sen. JACOBSON: Yes.

Sen. S. SMITH: Could you tell me when the vote was taken by Governor and Council on this recommendation?

Sen. JACOBSON: April 27, 1973.

Sen. S. SMITH: If that's the case why was this not brought to the attention of the Senate Judiciary Committee?

Sen. JACOBSON: I don't know the answer to that.

Sen. DOWNING: Would you have any objection to this amendment being sent to the Judiciary committee for consideration?

Sen. JACOBSON: None, whatsoever.

Sen. BRADLEY: Senator Jacobson, have any of the people whose names were disclosed, wanted you to put in this particular amendment?

Sen. JACOBSON: No.

Sen. BRADLEY: Do you know whether any of those people came to our committee?

Sen. JACOBSON: I do not know that.

Sen. Downing moved that HB 309 with amendment be re-committed to the committee on Judiciary.

Sen. DOWNING: Mr. President, I urge the support of the Senate for this motion. I feel that the committee should have the benefit to study this amendment.

Sen. NIXON: Mr. President, I rise to speak in opposition to the motion to recommit and speak against the amendment and hope that the Senate will pass this bill as originally offered. My objection to this is the manner in which it was brought to the attention of this body. Yesterday I voiced my respect for this body and I have that respect and I would like this body to be deserving of continued respect but it seems to me if a member of a committee of this body does not have the time or the effort or the concern or respect for the rest of the members of his committee to bring an amendment of this nature to the attention of his whole committee, which had previously had hearings on the bill in question and had had plenty of opportunity to take up such amendments as now offered. I don't think the Senate should give much consideration and particularly on a recommittal basis to the amendment as offered. The amendment as far as I can understand its purposes is not necessary at all for the protection of anybody. The bill itself protects everybody insofar as an examination into the files are concerned, and the bill has merit and the amendment has not and the manner in which the amendment was brought to the attention of the Senate takes away any merit that it might have had in the first place. So I would ask the Senate to defeat the motion to recommit and defeat the amendment.

Sen. FERDINANDO: Sen. NIXON, do I understand correctly that if you don't consider the amendment that the protecting of the individuals which the amendment in essence does should not be considered. It would seem that the naming of individuals is a very serious offense and if we went along with your motion it seems that we would be saying, I don't care about what happens to individuals that are named. Would this not be the effect?

Sen. NIXON: I would respectfully disagree. I think that the protection to the individuals lies in their records not being available for search. I think that they are far better protected if it would eventually come out that their records were illegally searched than if it were illegal to disclose that their records were illegally searched. So that if you pass this amendment insofar as it has any substance, then you permit to be done in secret what is illegal to be done by the main bill.

Sen. JACOBSON: Where do you find in either the one we have amended or the confidentiality statute, where do you find any provision where there can be a potential illegal search? So far as I'm concerned Senator, the present law is not justified in any illegal search and was established and interpreted to prevent illegal searches. But had it not been for the fact that there is no law against disclosing an illegal search we might not know that such illegal conduct was being carried on. And it seems to me that it is a basic right of the people to know. Assuming that the bill passes today, and a governor and his assistant went over in violation of the law that we have just passed and said, look I want to know something about tax file X and they went over and in secret looked at that file, could they not do it and no one would ever know it?

Sen. NIXON: Senator, there is no way that we can in a civilized society enact laws which will prevent people with the foulest of intentions of somehow finding a way to violate those laws. The best that we can do is hope and believe that the great majority of mankind will comply with reasonable laws. I'm saying that by enacting HB 309 as originally produced we are providing what appears to be a necessary protection for the people of New Hampshire. 1. against their tax files from being improperly investigated. 2. protection in that if it is done perhaps it can be disclosed so all concerned can find out about it. Your amendment would not allow that.

Sen. JACOBSON: Is there anything in this amendment that would prevent the revelation of any illegal search?

Sen. NIXON: The amendment would prevent the name of a taxpayer or the fact that any file has been the subject of any examination to be disclosed.

Sen. JACOBSON: Does it do anything to prevent the disclosure of an illegal search?

Sen. NIXON: Yes, it does. This amendment offered by you, would prevent the disclosure of an illegal search to disclose.

Sen. FERDINANDO: Mr. President, I believe that after looking at the amendment it seems that what the amendment is doing is protecting the name of that taxpayer from any examination of investigation or hearing. I don't see how we can't come up with this.

Sen. NIXON: Sen. Ferdinando, with your experience in the Senate, if this amendment is as serious as you say, can you think of any valid or legitimate reason why it had to be presented to the Senate without notice or review by the Judiciary committee who have had the bill for several weeks?

Sen. FERDINANDO: I'd like to answer that by saying that it's better late than never.

Sen. BRADLEY: I would oppose recommitting this. I was a little upset on the way this was presented. But on the merits of the amendment I suggest to you that it is very defective. This bill would prevent a taxpayer who is investigated and then vindicated from disclosing this fact.

Sen. JACOBSON: Sen. Bradley, if a man has been in court is it not public information to the fact that he has been cleared or not?

Sen. BRADLEY: Your amendment certainly does not take that into account.

Sen. JACOBSON: The fact that an IRS file has been investigated is that revealed to you?

Sen. BRADLEY: It might be and if it had been I might want the opportunity perhaps to reveal it to the public and this amendment would prevent that.

Sen. DOWNING: Mr. President, I am very concerned about the amendment. I support HB 309 in its present form. I would remind the Senate of the source of the amendment and it did come from the Governor and Council. Now the source is not always responsible for the transmittal. And that hasn't even been developed. I would hope that the Senate would receive the same consideration of a question from the Governor and Council as this chamber extends to him. The least we can do is give it fair consideration. I know that we have a lot of



bills but the questions that have been suggested relative to this amendment indicate that it should have some consideration and I ask you to consider the source.

Sen. PRESTON: I'd like to know where you got the information that the source was the Governor and Council?

Sen. DOWNING: This was in reply to a question issued by Sen. Smith of Sen. Jacobson.

Sen. JACOBSON: On April 27 the Governor and Council voted with respect to the amendment. I received this at 12:55, asking me to introduce this amendment. If the amendment were adopted or if we had a discussion I would be perfectly agreeable to sending it back to the committee on Judiciary.

Sen. R. SMITH: Have you read the resolution that you so referred to?

Sen. JACOBSON: Yes.

From the Council Minutes, April 27, 1973 as adopted by the Governor and Council:

"We believe that once an authorized investigation is underway that investigation should be closed with the same confidentiality that the records of the commission and not subject to disclosure at the discretion of the Governor and Council. Although the examination and audit of individual returns may be part of such an examination public disclosure of the fact would serve no useful purpose, might hamper the investigation, and in all probability result in the discredit of the taxpayer concerned. Therefore we urge that 7816 be amended to prescribe the disclosure of such examinations or audits in conjunction with investigations authorized under section 1605."

Sen. R. SMITH: Was this a specific request of the legislature to change the law?

Sen. JACOBSON: I can only quote what it says.

Sen. R. SMITH: Is this a report of a committee to the Governor and Council?

Sen. JACOBSON: This is from the council minutes of April 27, 1973.

Sen. NIXON: What are you reading from?

Sen. JACOBSON: I'm reading from an excerpt.

Sen. NIXON: Would you tell me who prepared this speech for you to give in respect to this amendment?

Sen. JACOBSON: I cannot tell you who wrote it but it was given to me by Mr. Charles Douglas.

Sen. SPANOS: I rise in opposition to recommit. First of all I want to say that when I first saw the amendment I felt it was quite innocuous but after listening to the president's discussion as to what might happen if this were to pass I had my qualms and now I do not want to see this be recommitted. I'm taking into consideration from whence this came. Obviously political overtones are projected in my presentation so I shall do the same. We are taking this from a Governor who violated the law in the first place. From a Governor who says that no matter what law you pass he will not obey. From a Council that voted to ratify an illegal act. So I'm taking it from whence it came.

Sen. FERDINANDO: Senator Spanos, regardless of the source the contents of the amendment very clearly protects the names of the people involved. Should this not deserve your consideration on that merit?

Sen. SPANOS: That was my original thoughts. But after having listened to Senator Nixon I have been impressed by its dangers.

Sen. POULSEN: Mr. President, Senator Bradley and I need more time.

Sen. Lamontagne moved the previous question.

Roll Call requested by Sen. Blaisdell, seconded by Sen. Nixon.

Yeas: Poulsen, Gardner, Jacobson, McLaughlin, Ferdinando, Sanborn, Provost, Brown and Downing.

Nays: Lamontagne, S. Smith, Bradley, Green, Spanos, Nixon, Blaisdell, Trowbridge, Claveau, R. Smith, Bossie, Johnson, Preston and Foley.

Result: Yeas 9, Nays 14.

Motion lost.

Question is on the amendment proposed by Sen. Jacobson.

Roll Call requested by Sen. Green, seconded by Sen. Spanos.

Yeas: Gardner, Jacobson, Ferdinando and Sanborn.

Nays: Lamontagne, Poulsen, S. Smith, Bradley, Green, Spanos, Nixon, Blaisdell, Trowbridge, Porter, McLaughlin, Claveau, R. Smith, Provost, Brown, Bossie, Johnson, Downing, Preston and Foley.

Result: Yeas 4, Nays 20.

Motion lost.

Adopted.      Ordered to third reading.

Sen. Nixon moved that the rules of the Senate be so far suspended as to place on third reading and final passage at this time HB 309.

Adopted.

Third reading and final passage

HB 309, relative to the confidentiality of business profits tax records and files.

Adopted.

Sen. Spanos moved Reconsideration of HB 309.

Motion lost.

#### SPECIAL ORDER OF BUSINESS 1:02

HB 747, concerning conservation and preservation restrictions on real property.

Sen. Poulsen moved that HB 747 be made a Special Order of Business for 1:01 Wednesday next.

Adopted.

Sen. FOLEY: I move that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that they be passed at the present time, and that when we adjourn, we adjourn until Tuesday at 11:00 a.m.

Adopted.

Sen. BLAISDELL: Mr. President, I rise on Personal Privilege. I had thought that through the years the cooperation we have received from our sister states relative to sending in our state troopers to help us in crowd control in our motorcycle events has been a successful venture. I have wondered why we will not receive this same help this year. I inquired and the answer given to me was that we do not need them. I would respectfully ask that a better answer be given. If we use our manpower, I believe we would be leaving the rest of our state uncovered. I am disturbed about this, Mr. President and members of the Senate, because I believe we have a situation that could explode and I want to be sure that the residents of our state are protected. Whoever made this decision, I respectfully ask them to reconsider.

#### LATE SESSION

Third reading and final passage

SB 270, to repeal charters of certain corporations.

HB 622, relative to statement of expenditures requested by the budget committee.

HB 556, relative to the Trustees of the New Hampshire annual Conference of the United Methodist Church.

Adopted.

Sen. Preston moved the Senate adjourn at 3:00 p.m.

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*Tuesday, 12Jun73*

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Dear Lord, We often feel the burden of trials upon trials — one crisis is scarcely survived before another one bears down on us.

We feel bruised physically, mentally and spiritually — yet, we know we must go on; remain strong in our purpose and proceed. For, deep within us — implanted by Your own hands, is the Power, Thou hast Blessed us with.

For this Dear Father, we give Thee grateful thanks. Amen.

Pledge of Allegiance was led by Sen. Preston.

HOUSE MESSAGES  
HOUSE NON-CONCURRENCE WITH  
AMENDMENT AND REQUEST FOR  
COMMITTEE OF CONFERENCE

SB 768, relative to withdrawals from savings deposits.

Sen. Porter moved that the Senate concur and a committee of conference be established.

Adopted.

ENROLLED BILLS

HB 706, providing for a permanent retirement system for employees of the City of Manchester if adopted on referendum.

HB 556, relative to the Trustees of the New Hampshire Annual Conference of the United Methodist Church.

SB 129, relative to the form of ballots for election of delegates to the national convention and for primary elections.

SB 124, changing the classification of certain class V highways to class II highways.

HB 560, relative to the investing of state funds.

HB 752, amending the Rochester city charter to increase the salary of the mayor.

HB 802, permitting the city of Franklin to suspend the verification of the checklist.

Sen. Provost  
*For The Committee*

Sen. Claveau moved that we recall HB 802.

Sen. CLAVEAU: Mr. President, this bill is in reference to



the City of Franklin. It exempts Franklin from the reregistration of voters.

Sen. JACOBSON: I've heard the word exempt. Do they want to be exempt because they have done it once already?

Sen. CLAVEAU: That's my understanding.

Sen. JACOBSON: I think we'd better have a minute recess.

Sen. JACOBSON: Mr. President, I will not raise any objection to this. I shall be glad to accommodate Senator Claveau and Senator Porter with a possible amendment because I've always been a firm believer that the rights of every Senator should be protected to the fullest extent.

Adopted.

Sen. Jacobson moved that HB 802 be placed back on second reading at the present time.

Adopted.

Sen. Jacobson moved that HB 802 be recommitted to the Committee on Executive Departments, Municipal and County Governments.

Adopted.

#### VACATES

Sen. Porter moved that the order whereby HB 123, HB 202, HB 283, HB 504 and HB 151 were sent to the committee on Resources and Environmental Control be vacated and said bills referred to Finance.

Adopted.

#### COMMITTEE REPORTS

##### **HB 979**

establishing the Portsmouth Union School District and giving such district independent fiscal and appropriating powers. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, HB 979 is an act establishing the Portsmouth Union School District as giving such districts independent fiscal appropriating powers. This is a referendum to allow the people of Portsmouth to have a separate school

district rather than having the city council appropriate the funds for the school.

Adopted.      Ordered to third reading.

**HB 796**

relative to excusing school attendance for handicapped children. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this bill clarifies the existing law and makes it definitely applicable to all children and excusing them from school or transfer to another school district, and sets appeal procedure.

Adopted.      Ordered to third reading.

**HB 905**

requiring that public schools provide instruction relative to infirmities caused by drugs and venereal disease. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, HB 905 makes it mandatory to give instruction in public schools relative to venereal disease. There has been a great deal of testimony within the committee and at the hearing in favor of it and there was no opposition.

**PARLIAMENTARY INQUIRY**

Sen. JACOBSON: Is it right and proper at this time to offer an amendment?

The CHAIR: This bill is on second reading and open to amendment Sen. Jacobson, and a floor amendment may be offered.

Sen. SANBORN: Sen. Smith, isn't there any idea how much added cost this may add to the school districts?

Sen. S. SMITH: It was my understanding that that would be done through the Public Health Division. This would be taught in conjunction with other courses particularly science courses like biology and there was consideration of cost and we felt there would be no substantial cost.

Adopted.      Ordered to third reading.

**HB 120**

relative to the maintenance of a certain section of highway

in the city of Lebanon. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this changes cross section of highway and a bridge in the city of West Lebanon where the approaches to and the bridge going to White River Junction area now classified as a class four highway because of the size of the city. And what this bill will do is change that approach to a class two so that the state will pick up that section of highway. There is an agreement between the State Highway Department and the city of Lebanon that in winter time the city of Lebanon will plow and maintain this stretch. We recommend its passage.

Adopted.      Ordered to third reading.

### **HB 256**

relative to outdoor advertising on the interstate, federal-aid systems and turnpikes. Ought to pass. Sen. Claveau for the Committee.

Sen. CLAVEAU: Mr. President, HB 256, this bill provides the Commissioner of Public Works and Highways to negotiate the removal of advertising signs along the highways as funds become available; and extend the time or the restriction of the law of 1971 to six days after adjournment of the 1973 session.

Sen. LAMONTAGNE: I can't see why this bill shouldn't be referred to a study committee, because we have quite a few bills of such a nature that have been sent to a study committee.

Sen. Lamontagne moved that HB 256 be referred to an interim study committee on Public Works and Transportation.

## **RECESS**

### **OUT OF RECESS**

Sen. LAMONTAGNE: Mr. President, having conferred with the honorable Senator from the 2nd district and the 14th district I have found out that I wish to withdraw my motion.

Adopted.      Ordered to third reading.

### **HB 858**

relative to the maintenance and protection of unused covered wooden bridges. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, what this bill attempts to do is to preserve many of the present unused covered bridges that still exist in the state of New Hampshire. What is happening is that many of these bridges are now being by-passed by more permanent bridges and the bridges are left to the town. Some towns can afford to maintain it and others can't. Slowly, these bridges are crumbling and falling into the river and what this bill does is allow the town at a regular town meeting to vote to turn these bridges over to the Department of Parks and Resources and Economic Development.

Adopted.      Ordered to third reading.

#### **HB 936**

permitting an access on Route 28 in the town of Allentown. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, what this does is allow the town of Allentown to establish with the Department of Public Works and Highways another access on route 28 in the town of Allentown. Supposedly these accesses to these highways should be some 500 feet apart. We recommend its passage.

Adopted.      Ordered to third reading.

#### **HB 384**

to reclassify the Blackwater River. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: One of the committee members who had some problem with the bill had understood that it would be on Wednesday. I apologize for having it on the wrong day.

Sen. Porter moved that HB 384 be made a Special Order of Business on Thursday next at 1:01.

Adopted.

#### **HCR 20**

relative to including Sandwich Notch in the White Mountain National Forest. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this bill memorializes Congress to accept the Sandwich Notch area in the White Mountains.

Sen. S. SMITH: I would just like to rise in favor of HCR

20. This area lies solely within my senate district and we hope for the passage of this resolution to preserve this area.

Sen. BOSSIE: Sen. Smith, is Sandwich Notch adjacent to the White Mountains National Forest?

Sen. S. SMITH: Yes.

Sen. BOSSIE: If this is done, on what level would this be conducted?

Sen. S. SMITH: On a federal level.

Sen. LAMONTAGNE: I would also like to support this resolution.

Resolution adopted.

### SUSPENSION OF RULES

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to allow introduction of committee reports on the following bills without the necessary notice in the calendar: HJR 4, HB 38, HB 567, HB 632, HB 693, HJR 8, and HB 284.

Sen. TROWBRIDGE: I'd like to say that these are fairly small bills to be heard today and in order to expedite the business of the Senate they deal with appropriations and they are all "ought to pass."

Adopted.

#### HJR 4

providing an appropriation for Old Fort Number Four. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: This resolution appropriates the sum of \$10,000 to continue the reconstruction of old Fort Number 4 in Charlestown as an historical monument. We were told this morning in committee that there is a possibility that there are a certain amount of funds available. At present all of the stockade has been finished and several of the buildings have been started. We recommend that this work be continued.

Adopted.      Ordered to third reading.

#### HB 38

relative to the New Hampshire American Revolution Bi-



centennial Commission. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: This is for authorized spending during the bicentennial year. The time is now appropriate.

Sen. JACOBSON: It is my understanding that this bill relates to the authority of the commission to hire people.

Sen. TROWBRIDGE: No.

Sen. SANBORN: This allows for the commission to hire a couple of temporary employees through the periods until the bicentennial is over in 1983. There is no appropriation for the general fund required.

Sen. JACOBSON: I'd like to rise in support of the resolution. At the present time the American Bicentennial Commission is unable to hire employees and they have worked out an arrangement with an executive director of the commission over the periods of the years of the celebration, however they discovered that they could not hire anyone so that they back doored it so that the Governor and Council gave a contract for this year and this will put the commission back into the position of being able to hire.

Adopted.      Ordered to third reading.

### HB 567

relative to the interest rate charged on delinquent taxes in the city of Portsmouth. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: Mr. President, this bill would allow the interest charged by the city of Portsmouth on delinquent taxes to be increased to 9%. We are the last city in the state of New Hampshire to increase.

Adopted.      Ordered to third reading.

### HB 632

relative to investment of retirement funds. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, what this bill does is authorize the payment of actuarial services and investment advisory services to compound the retirement fund money in those funds. Under the present system there is a committee of

three people, the comptroller, the treasurer and the bank commissioner who act as an investment committee. It would seem advisable that an advisory investment service be utilized by the state and we hope that the Senate will go along with the bill.

Adopted.      Ordered to third reading.

#### **HB 693**

relative to debt during transition period following adoption of optional fiscal year. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: This is a bill that when the Business Profits Tax went in the base for the calculation of a town debt limit was decreased by the amount of stock and trade taxes that came out of the calculation. Those towns that are going on an eighteen-month length in order to get over to a fiscal year basis have to borrow more than they normally do in anticipation of taxes in order to make the transition. This bill provides that those towns that are making the transition can increase their debt limit to make borrowing to get there.

Adopted.      Ordered to third reading.

#### **HJR 8**

appropriating funds to the Water Resources Board for an erosion control project in Charlestown. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this is the same bill that we reported a while ago when the river bank was eroding in the town of Charlestown and the river was trying to straighten itself out and at the same time was liable to take some of the work done on the sewerage control. In actuality the government is putting up something over \$50,000 to take care of this and the \$30,000 that the state has put up is only in case there is an over run on the \$50,000.

Adopted.      Ordered to third reading.

#### **HB 284**

increasing the fireman's relief fund. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: The money for this is already in the budget. The firemen's relief fund has been increased for many years. We had all previously agreed to up it from \$4,000

to \$6,000. All the bill does it makes the necessary language to have this come about.

Adopted.      Ordered to third reading.

Sen. S. Smith moved that the rules of the Senate be so far suspended as to allow for a committee report without previous notice in the Journal.

Adopted.

### HB 310

relative to cooperative extension work at the university of New Hampshire. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, what this bill does is in relationship to the extension to the University of New Hampshire. In the RSA's there is a figure that is in contradiction to what is being appropriated in the budget. This brings the RSA's in line with the budget and also throws away certain functions within that appropriation.

Adopted.      Ordered to third reading.

Sen. Green moved Reconsideration of HB 604 at this time.

Sen. GREEN: Mr. President, HB 604 which is a bill exempting ambulances from being required to pay tolls while on emergency calls came to the Senate last week.

Sen. LAMONTAGNE: I rise in opposition to the motion. I'm rising in opposition to this because our committee had listened to people like the Commissioner of Public Works who told the committee that it was not necessary to have this bill because the ambulances could use any of the toll roads with their lights on. And if they have a two-way radio system and can call in that they would make sure that there would be a lane cleared. We feel that this is inexpedient.

Sen. GREEN: Mr. President, apparently from the testimony before our committee, I understand that there was no problem but after having looked in this I find that there are problems. The turnpike authority itself has a guideline which does in essence say that American Red Cross or permanent plate ambulances are allowed to go through these toll booths without paying. One of the problems happens when you have

private ambulance services that are harassed by the public turnpike authorities. I don't think that that testimony came up and I think that is a problem. I think that a statute should be made that would clarify the situation.

Sen. PRESTON: The turnpike director said that he was not aware of these problems that are being discussed. The committee determined that it was unnecessary legislation.

Sen. LAMONTAGNE: I would like to answer back to Senator Green's remarks that before our committee testimony was given to the effect that ambulances can go directly through the toll booths during an emergency, but later on they do get a bill. This is for private ambulances. But why shouldn't they get a bill because after all the person in there is being charged for transportation and it won't hurt the ambulance company to pay the tolls after.

Sen. MCLAUGHLIN: Mr. President, members of the Senate, I rise in opposition to the pending motion. At the hearing it was very carefully defined that any unit coming with its light going or siren would be allowed to go through and could pay later.

Sen. GREEN: Senator, is there a duplication of legislation if this bill passes?

Sen. MCLAUGHLIN: I'm afraid it would be.

Sen. GREEN: What other legislation relates to this?

Sen. MCLAUGHLIN: The turnpike authority who make the rules and regulations.

Sen. GREEN: So in essence there is not duplication of legislation?

Sen. MCLAUGHLIN: Correct.

Motion lost.

## INTRODUCTION OF SENATE RESOLUTION

relative to memorializing the governor and congressional delegation regarding the continued funding of drug abuse treatment program. Referred to Committee on Rules and Resolutions.

HOUSE CONCURRENCE WITH  
ENROLLED BILLS AMENDMENT TO

HB 442, relative to definition of child-caring agency and the age of children placed therewith.

HOUSE CONCURRENCE TO  
COMMITTEE OF CONFERENCE ON

SB 56, revising the scenic roads act.

The Speaker has appointed as members of said committee on the part of the House Reps. Mann, Galloway, Colburn and Kidder.

HOUSE NONCONCURRENCE WITH  
AMENDMENT TO

HB 804, establishing the ward lines and providing for redistricting of the city of Franklin.

HB 289, providing that banks which give mortgages on real property may not levy a service charge against the seller of the property.

## HOUSE CONCURRENCE WITH AMENDMENTS TO

HB 701, relative to appeals bonds in eviction proceedings.

HB 651, to provide for termination of certain charitable trusts.

## ENROLLED BILLS AMENDMENT

SB 134, relative to insurance holding companies and regulating the use of company needs. Ought to pass. Sen. R. Smith for the Committee.

## AMENDMENT

Amend section 8 of said bill by striking out the first four lines and inserting in place thereof the following:

8 Extraordinary Dividend or Distribution. Amend the introductory paragraph of RSA 401-B:5, III, (b), (supp) as inserted by 1971, 176:1, by striking out in line six the word "lesser" and inserting in place thereof the following (greater)



so that said introductory paragraph as amended shall read as follows:

Amendment adopted.

#### HOUSE ADOPTION ENROLLED BILLS AMENDMENT

SB 134, relative to insurance holding companies and regulating the use of company names.

Sen. Downing moved that the rules of the Senate be so far suspended as to allow for a committee report without previous publication in the Journal.

Adopted.

#### HB 463

establishing a sire stakes program and a standardbred breeders and owners development agency. Ought to pass with amendment.

#### AMENDMENT

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated the sum of one hundred and twenty-five thousand dollars for the fiscal year ending June 30, 1974 and a like sum for the fiscal year ending June 30, 1975 for the purposes of this act. Such sums shall be continuing and shall not lapse. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Sen. DOWNING: Many people testified in favor of introducing this to the state of New Hampshire and its benefits. However, this will require funding and this is a big question. It was testified before the committee today to have the sum of \$125,000 per year out of the general fund. The committee supports this and would like to have it looked at by the Finance committee.

Sen. BLAISDELL: Mr. President, basically what the program is has been described and I feel that it is now important to have this bill sent to Finance.

Sen. BROWN: Mr. President, I also rise in support of HB 463.

Sen. LAMONTAGNE: Mr. President, I would like to be recorded as in favor of this bill and I think it is a good bill.

Amendment adopted. Referred to Finance.

Sen. FOLEY: I move that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that they be passed at the present time and that when we adjourn we adjourn until tomorrow at 1:00 and in honor of the 25th anniversary of the women who are in the Air Force, and best wishes to these fine outstanding women, especially the WAP Squadron stationed at Pease Air Force for whom I serve as Honorary Squadron Commander.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 979, establishing the Portsmouth Union School District and giving such district independent fiscal and appropriating powers.

HB 796, relative to excusing school attendance for handicapped children.

HB 905, requiring that public schools provide instruction relative to infirmities caused by drugs and venereal disease.

HB 120, relative to the maintenance of a certain section of highway in the city of Lebanon.

HB 256, relative to outdoor advertising on the interstate, federal-aid systems and turnpikes.

HB 858, relative to the maintenance and protection of unused covered wooded bridges.

HB 936, permitting an access on Route 28 in the town of Allenstown.

HJR 4, Joint Resolution providing an appropriation for Old Fort Number Four.

HB 38, relative to the New Hampshire American Revolution Bicentennial Commission.

HB 567, relative to the interest rate charged on delinquent taxes in the city of Portsmouth.

HB 632, relative to investment of retirement funds.

HB 693, relative to debt transition period following adoption of optional fiscal year.

HJR 8, Joint Resolution appropriating funds to the Water Resources Board for an erosion control project in Charlestown.

HB 284, increasing the fireman's relief fund.

HB 310, relative to cooperative extension work at the university of New Hampshire.

Adopted.

Sen. Porter moved the Senate adjourn at 2:30 p.m.

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### *Wednesday, 13Jun73*

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Lord please Bless this day's work! Give us each a sense of genuine interest and enthusiasm for it!. Help us to be cheerful about it (despite the weather) even the sections we do not like!

Help us not to become discouraged when things don't go the way we want. Keep us from indifference, and may the work we do today be worthy of our efforts —!

In my own simple way, I ask Thee to help this day's session make contributions of wisdom, decency and comfort for the overall Happiness of this State, that will overflow throughout the world.

Lord, give us satisfaction at the end of this day, that we may look back on our efforts with pride, and the knowledge we have tried our best.

Thank Thee God, for Your blessing and the guidance of Thy hand — through this day's work. Amen.

Pledge of Allegiance was led by Sen. Spanos.

#### HOUSE CONCURRENCE

SB 163, relative to real estate investments by cooperative banks, building and loan associations and savings and loan associations.

SB 171, relative to limitations on the lending authority of savings banks.

SB 117, establishing a minimum penalty for driving without a license.

SB 128, relative to recess of a jury in deliberation.

SB 208, legalizing the Marlow town meeting of March 6, 1973.

SB 238, changing the name of the Berlin Wayside Area in the capital appropriations of 1971.

#### HOUSE ADOPTION OF COMMITTEE OF CONFERENCE REPORT ON

HB 270, relative to County elections.

#### HOUSE CONCURRENCE WITH SENATE AMENDMENT TO

HB 804, establishing the ward lines and providing for re-districting of the City of Franklin.

HB 622, relative to statement of expenditures requested by the budget committee.

#### HOUSE ADOPTION OF ENROLLED BILLS AMENDMENT TO

SB 134, relative to insurance holding companies and regulating the use of company names.

#### HOUSE SUSPENSION OF JOINT RULES

The House has voted by the necessary two-thirds to concur

in the Senate's suspension of the joint rules allowing the late introduction of and consideration of SB 270, an act to repeal charters of certain corporations, after the deadline established by joint rules; and further to suspend said rules to allow House consideration of said bill.

The CHAIR: I would like to announce that the conferees on the part of the Senate in respect to HB 768 are Sens. Ferdinando, Johnson and Bossie.

### ENROLLED BILLS REPORT

HB 53, prohibiting the use of motorboats on the Cocheco River within the city limits of Rochester.

HB 442, relative to definition of child-caring agency and the age of children placed therewith.

HB 309, relative to the confidentiality of business profits tax records and files.

Sen. Provost  
*For The Committee*

### HOUSE NON-CONCURRENCE AND REQUEST FOR COMMITTEE OF CONFERENCE ON

HB 289, providing that banks which give mortgage loans on real property may not levy a service charge against the seller of the property.

The Speaker has appointed as members of said Committee of Conference on the part of the House of Representatives Reps., Burns, Helie, Nims and G. Thibeault.

Sen. Bossie moved that the Senate concur with the House and set up a Committee of Conference.

Adopted.

### ENROLLED BILLS AMENDMENT

HB 377, repealing the authority of justices of the peace to sit as special justices in a district court. R. Smith for the Committee.

### AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:



An Act  
relative to the authority of justices of the peace to sit  
as special justices in a district court.

Amendment Adopted.

HB 673, relative to adoption procedures. R. Smith for the  
Committee.

#### AMENDMENT

Amend section 7 of said bill by striking out the same and  
inserting in place thereof the following:

7 Repeal. RSA 170:17 (supp) as amended by 1973, 145:5,  
relative to illegitimate children, is hereby repealed.

Sen. R. SMITH: At the present session RSA 170:17 has  
already been amended by another act. This amendment is in  
reference to the said 1973 amendment.

Amendment Adopted.

#### RECESS

#### OUT OF RECESS

#### COMMITTEE OF CONFERENCE REPORT

SB 28, relative to a bill of rights for mobile home park  
tenants.

(See House Journal)

Sen. Bradley moved adoption.

Sen. BRADLEY: The Committee of Conference Report  
deals with two problems. The first problem was that in the  
Senate version of the bill it said there could be no entrance fee.  
In the House version it said there could be an entrance fee of  
up to 12 or less rent as spread over a 12 month period. The  
compromise proposed by this conference committee report is  
that we allow an entrance fee of up to three months provided,  
however, that the entrance fee cannot be anything except for  
services actually rendered. So, under this bill there is a limit,  
but it also has to be tied to services rendered. The second point  
is simply a grammatical problem dealing with the effective  
date of the second section under termination of tenancy. Under  
the original version the term on or after the effective date of

the section was put in a different place so that it modified the wrong clause. This simply puts the clause where it ought to be.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 43

HB 43, relative to controlling use of heating or agitating devices in the waters of this state.

The committee of conference to which was referred House Bill 43, An Act relative to controlling use of heating or agitating devices in the water of this state, having considered the same, report the same with the following recommendation:

That the House of Representatives recede from its position of nonconcurrence in the Senate amendment and that the Senate recede from its position of adopting its amendment and that the House and Senate each adopt the following amendment to the bill:

Amend RSA 270:31, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

270:31 Heating, Agitating or Other Devices in Public Waters, Safety Hazard, No person shall put, place, operate or cause to be put, placed or operated in the waters of this state any so-called heating, agitating or other device which inhibits or prevents the natural freezing of water, or forming of ice, and impedes either the ingress or egress to or from ice by means of any public access thereto. If the heating, agitating or other device is placed anywhere else, nearby signs shall likewise be placed to warn of possible danger. Said signs shall read DANGER, THIN ICE and shall be of sufficient size to be readable at a distance of not less than one hundred and fifty feet, and shall be visible from all directions and shall be equipped with reflectors and color-coded in a pattern unique for this purpose only. The department of safety is hereby authorized to establish said unique design and coloring and any homemade copies shall follow this design and coloring. The provisions of this section shall be enforced by any law enforcement agency under the direction of the department of safety pursuant to RSA 106-A:14 and the department of fish and game pursuant to RSA 206:26.

Sen. William E. Sanborn  
Sen. Ward B. Brown  
Sen. Edith B. Gardner  
Sen. Robert F. Preston  
Conferees on the Part of the Senate

Rep. Stanley H. Williamson  
Rep. Jack Boyd  
Rep. Otto H. Oleson  
Rep. Rudolph S. Nelson, Jr.  
Rep. Katherine J. Harriman  
Conferees on the Part of the House

Sen. Sanborn moved that we adopt the committee of conference report on HB 43.

Sen. SANBORN: Mr. President, the only actual change made was in line four of the bill where it did say, "may in fees" to read "and in fees." This is the only change.

Adopted.

#### HOUSE CONCURRENCE WITH COMMITTEE OF CONFERENCE REPORT ON

SB 28, relative to a bill of rights for mobile home park tenants.

#### HOUSE REQUEST CONCURRENCE WITH AMENDMENTS TO

SB 239, relative to regulating Sunday activities in towns of over ten thousand.

(See House Journal)

Sen. Brown moved that the Senate concur with the amendment offered by the House.

Adopted.

SB 71, relative to eminent domain procedures.

(See House Journal)

Sen. Bradley moved that the Senate concur with House amendment.

Sen. BRADLEY: Mr. President, this was a very simple

amendment dealing with a time period. The original bill changed the law from thirty to five. This is a bill that was of some concern in the Senate. This simply increases the backup to ten.

Adopted.

SB 74, authorizing the position of special assistant county attorney to assist the county attorney, to speed up the disposition of criminal cases.

(See House Journal)

Sen. Bradley moved that the Senate nonconcur with the House amendment.

Sen. BRADLEY: Mr. President, they made a significant change in the bill.

Adopted.

Sen. Nixon moved that we reconsider our action whereby we voted to nonconcur with the House amendment.

Sen. NIXON: SB 74 is the bill which I have the honor of sponsoring which provides for the appointment of a special acting assistant county attorney on nomination by the county attorney. He is appointed by the presiding justice of the superior court. In the original bill the per diem rate of pay for the acting assistant county attorney who would serve the function of helping clean up the backlog, would have been set by the county convention. The House amendment would make a change in that the executive committee of the county delegation would set the per diem rate. I think the amendment has merit because of the practical problem of getting the whole county convention to meet just to set a per diem rate is impractical. This would also expedite the appointment and the setting of their rates of pay. I therefore hope the Senate will vote to go along with the House amendment in respect to HB 74.

Adopted.

Sen. Nixon moved that we concur with the House relative to SB 74.

Amendment Adopted.

## SUSPENSION OF RULES

Sen. Jacobson moved that the Joint Rules and the Rules of the Senate be so far suspended as to allow introduction of Senate Concurrent Resolution beyond the deadline at the present time.

Sen. JACOBSON: Mr. President, the concurrent resolution which I asked the Senate to introduce was given to me two days ago. As it relates to the Pierce Brigade who wishes to have the flag pole on the old Post Office building. I don't know as to the merits of whether they should have this or not but it did not seem to be such an earth shaking change that the rules could not be suspended to allow this concurrent resolution to be at least considered. I make no statement as to the validity of the statement but it seems to me that it's of a sufficiently limited nature that it would not create chaos in any way.

Division: Yeas 20, Nays 0.

Motion Adopted.

**SCR 10**

relative to the flag pole at the old Post Office. Referred to Rules and Resolutions.

Adopted.

## COMMITTEE REPORTS

**HB 846**

relative to the time of school district meetings in cooperative school districts. Ought to pass. Sen. Johnson for the Committee.

Sen. Johnson moved that HB 846 be laid on the table.

Adopted.

**HB 455**

establishing a committee to study and report on goals, purpose, organization and financing of the state university system, and making an appropriation therefor. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, fellow senators, HB 455 establishes as a permanent commission the commission that was established in 1971. This commission was originally composed



of certain Representatives and Senators. Of the current Senators, Sen. Jacobson is still a member of that commission.

Sen. JACOBSON: Sen. Johnson, the present commission in existence had for its study other objectives that are listed on this page. Was any consideration given to those other objectives?

Sen. JOHNSON: I have to answer your question by saying that point was never brought up.

Sen. JACOBSON: I'd like to rise in support of this bill, but with some reservation. I think the time is coming and it's here and recognized in other states, that the question of higher education is a question that goes beyond simply public higher education. Our statutes and the statutes of many other states simply refer to the fact about higher education, and not to any specific form. I'm hopeful that we will get increasing recognition within this state that higher education is much more inclusive than simply to restrict it to the public system of higher education. The original commission, the one presently in exercise has that broader aspect and it apparently has been narrowed by this bill.

Adopted.

Sen. Jacobson moved that we dispense with the referral to Finance and order HB 455 to third reading at this time.

Adopted.      Ordered to third reading.

### **HB 489**

to make the police standards and training council a permanent state agency and making an appropriation therefor. Ought to pass. Sen. Bradley for the Committee.

Sen. Bradley moved the following amendment.

### **AMENDMENT**

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Power to Employ Director. Amend RSA 105-A:4, XIV (supp), as inserted by 1971, 497:1, by striking out said paragraph and inserting in place thereof the following:

XIV. Employ a director and such other personnel as may

be necessary to perform its duties. The director shall be an unclassified employee who shall serve at the pleasure of the council, and whose salary shall be set by the council. All other personnel shall be classified employees. The director shall have practical and academic knowledge in the field of law enforcement including substantial administrative experience and a degree or degrees in criminology, police administration, or other similar field or any equivalent combination of education and experience.

4 Effective Date. This act shall take effect upon its passage.

Sen. BRADLEY: The amendment is quite simple. This does two things. The bill continues the police standards and training council and to make it a permanent state agency and makes an appropriation for the agency. The appropriation is only about \$11,000 the first year and a little over \$14,000 the second year. This agency is rated on an interim basis and it will expire at the end of this fiscal year, June 30. The first part of the amendment is to change the effective date from sixty days to effective on passage because otherwise the commission is going to lapse at the end of the month. The other part of the bill simply strikes a sentence from that paragraph Roman numeral 14 which says in the original law that the position of this director will only be in effect so long as compensation is entirely with federal funds.

Amendment Adopted. Referred to Finance.

### HB 336

providing for the calling of a constitutional convention. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: The voters have decided that there should be a constitutional convention called. This bill simply sets up the mechanics and sets the date for when it will be heard. I think that this is the typical kind of bill which has to be introduced each time that there's a constitutional convention called. This very much parallels the bill which was introduced at the time of the last constitutional convention.

Adopted. Referred to Finance.

RECESS

OUT OF RECESS

**HB 649**

authorizing tests on the bodies of certain motor vehicle accident fatalities to determine the content of alcohol in their blood. Inexpedient to legislate. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, the committee on Judiciary has brought forth an inexpedient to legislate on this bill. Basically what this bill will do is to require a blood test on every fatality due to an automobile accident of a pedestrian automobile accident. This would be a system of determining who was under the influence of alcohol. Basically from the testimony heard from the committee, the committee felt that in view of the fact that if an individual dies as a result of the accident then no test is required at that point. There is also no requirement if a pedestrian is hit by a car and lives that he have a blood test. This is basically not a fair concept.

Sen. JACOBSON: Senator if a man lives the police may then ask to take the blood test, and if that individual refuses then there is an automatic conviction. Is that not correct?

Sen. BOSSIE: Well, under the circumstances, if one was involved in a serious automobile accident he would be in no position whatsoever to acquiesce to a request for a blood test. So therefore it would not be true. I think the bill needs some work.

Sen. JACOBSON: If I understand your response it is those persons that live who at the given moment are incapable of responding to the request of order of the police. Is that not correct?

Sen. BOSSIE: It probably would be several days before they could get consent and by that time the alcohol in the blood would not allow opportunity for a blood test.

Sen. JACOBSON: Is there some constitutional question with regards to giving the consent? Or may we pass a statute that says that all person who have died and are incapable of giving their consent shall be required to have a blood test?

Sen. BOSSIE: As far as the constitutionality of that goes, perhaps it would be constitutional. I think that it would be constitutional.

Sen. JACOBSON: Mr. President, I was a member and a chairman of the commission to study the improvement of motor vehicles laws in this state, and this was a question which we in

fact did discuss with considerable care and it was felt that this would be helpful in determining more accurately the involvement of alcohol in fatalities from automobile accidents. I'd like to see whether an amendment can be drawn to provide for this rectitude of those who are incapable of giving consent as well as those who are fatalities. I think we should not do anything to inhibit research in this area. The whole intention seems to be the responsible thing to do. So I hope the Senate will go along with this.

Sen. BOSSIE: Mr. President, I rise in favor of the motion of Sen. Jacobson. At the same time I do ask the Senator when we reconsider this bill next Monday, to consider the following. I have no objection to drunk drivers being detected. I think it's important to have in mind more than determining percentages. We know now that a substantial number of injuries and deaths arise in the state of New Hampshire out of alcohol involvement. I think we have to have a reason other than determining the exact percentage. I think there has to be a direct relationship to saving lives.

Sen. Jacobson moved that HB 649 be made a special order of business on Monday next at 1:01.

Adopted.

#### **HB 847**

permitting the employment of inmates of houses of correction at municipally owned recreational facilities and conservation projects. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, this HB sponsored by Representative Bednar of Hillsborough is an extension of an existing program. Basically what this amendment does is allow prisoners to work in construction, improvement or maintenance of highways. This appears to be a good bill and constructive on the part of the prisoners.

Sen. JACOBSON: Will these people be paid at the going rates? Or what will be the paying procedure?

Sen. BOSSIE: They will receive the amount of compensation that they do now. There is no compensation involved whatsoever.

Sen. JACOBSON: In other words this will be an opportunity for cities and towns to get cheap labor. Is that correct?

Sen. BOSSIE: I wouldn't phrase it that way. It's an opportunity for the prisoners themselves to advance themselves at public work projects. This isn't a slave labor gang. This will advance the community and I'm sure that some of these prisoners will prefer to work at these facilities.

Sen. JACOBSON: In other words whatever it is, compared to 18 to 22 dollars a day would this be a substantial difference?

Sen. BOSSIE: I don't know if that is the intention of the bill to give free labor to cities and towns. I don't believe that is the purpose. This is to give encouragement to prisoners to have good jobs that will be of assistance to the community.

Sen. JACOBSON: These inmates at the House of Correction and so on do work that is related to their living space in the same way that I have to go out and do my lawns. Are we not making a very significant extension of these people.

Sen. BOSSIE: No, none whatsoever. Our prisoners not only at the county farm, and jail but they take care of the cows, they shovel manure, they work at the county courthouses and care for the lawns.

Sen. JACOBSON: I think everything you have mentioned is in relation to the county function.

Sen. BOSSIE: And this would make it a municipality's function.

Sen. JACOBSON: Supposing I as a selectman report this to the town of New London, which have jobs for roadwork. Who would pay for the transport from Boscawen to New London?

Sen. BOSSIE: I don't have the exact answer to that but I presume that the county and the municipal governments would have to discuss this and I presume it would be the municipality rather than the county.

Sen. BRADLEY: Senator Jacobson, all this bill is doing is adding the phrase, "municipally owned recreational facilities and conservation projects" to a statute which already provides that such inmates may be used on such things as improvement and maintenance of highways, and preparation of road materials or with the State Forestry. This is simply expanding the types of projects for which the inmates can be used already under exist-



ing law. In answer to the question as to who pays for the travel, I don't know the answer to it but it would be the same as it is under existing law without making any change.

Adopted. Ordered to third reading.

### **HB 702**

relative to the terms of jurors. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, HB 702 is relative to the terms of jurors. At the present time jurors on juries serve a term. Some terms could be five months long. And what this bill does is to limit the terms.

Adopted. Ordered to third reading.

### **HB 376**

providing for a commission to study the state constitution in preparation for the 1974 constitutional convention. Ought to pass. Sen. Bradley for the Committee.

Sen. Bradley moved an amendment to HB 376.

### **AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Commission Established. There is hereby established a commission consisting of ten members who are authorized and directed to study the constitution of the state, and, if the commission determines that amendments to the constitution are needed, it shall recommend such amendments to the next constitutional convention. Two of said members shall be appointed by the speaker of the house of representatives, two by the president of the senate, three by the governor and three by the Supreme Court. The members so appointed shall select from their number, a chairman, secretary and such other officers and sub-chairman as they shall deem necessary and proper. The members so appointed shall hold such public meeting as they shall deem proper in order to gain the sense of the public relative to any proposed change in the constitution.

Sen. BRADLEY: This bill is a companion to 336 where we are setting up the procedures and the date for calling the constitutional convention. This bill sets up a study committee to

study the sorts of things that will be taken up at the constitutional convention. This is a parallel at what was done at the previous constitutional convention and I gather at a number of constitutional conventions. There is a small appropriation of \$10,000 which again I understand is the same amount as it was some ten years ago. The amendment is a simple one. Under the present bill the size of the commission is nine members. Two appointed by the governor and three by the supreme court and two each by the speaker and the president making a total of nine. The Governor's office objected to having fewer members on the commission than the supreme court and wanted his to be equal. Even though the Governor's office is willing to concede that the Governor's office ought to have four because of the problem of dividing three by two. The amendment says that the commission will be ten members.

Sen. JACOBSON: Did you say this came from the Governor's office?

Sen. BRADLEY: The suggestion or request that the bill be amended was made by Attorney Douglas at the hearing.

Amendment Adopted.      Referred to Finance.

## RECESS

## OUT OF RECESS

### HB 580

relative to jury trials of minor offenses. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, on November 1, 1973 our federal code will go into effect. What this bill provides is that in a situation where there is a violation that is not a misdemeanor or a felony, that a violation would not be entitled to a jury trial. This limits jury trials to misdemeanors, and felonies.

Sen. GREEN: I wanted to know based on the fine what is stipulated as a violation?

Sen. BOSSIE: I believe the maximum is three hundred dollars.

Adopted.      Ordered to third reading.

### HB 947

amending the definition of "charitable organizations" for

conducting raffles. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill would allow political parties to conduct raffles in the same manner that religious educational charitable organizations now can.

Adopted.      Ordered to third reading.

#### **HJR 49**

to create an interim study committee to study the need, form and content of a uniform probate code and to draft legislation, if need be. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, there is something called uniform probate code which has been proposed by the commission on uniform state laws. It has received a great deal of recognition throughout the country. It is being intensively studied by most of the state during the present time.

Adopted.      Ordered to third reading.

#### **HB 871**

relative to the jurisdiction of the probate courts. Referred to Judicial Council. Sen. Bossie for the Committee.

Sen. Bossie moved that HB 871 be laid on the table.

Adopted.

#### **HB 872**

relative to appeals from probate courts. Referred to Judicial Council. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, HB 872 would substantially change the methods of operation of our probate courts. The committee is for more investigation and study and we ask that it be referred to Judicial Council.

Adopted.      Referred to Judicial Council.

Sen. SPANOS I move that HB 307 be made a special order of business for 1:02 tomorrow.

Sen. SPANOS: With all due respect to the Chair in your effort to bring about a debate on HB 307, in view of the fact that it is before us for the first time today, I wonder if I may ask that this be made a special order of business.

Sen. PORTER: This would seem like a good day to go ahead with this. And I would like to ask, would it not be more proper to move it into Finance and have it there? We would still have a chance to amend, debate, argue etc.?

Sen. SPANOS: I withdraw my motion.

Sen. BOSSIE: Sen. Porter, is it your intention to ask the Senate to refer this matter to Finance committee without debate today?

Sen. PORTER: No, sir. The rules of the Senate are such that it would be referred to Finance and I would hope that the Senate might bring out the points and aspects of the bill for consideration and indicate their interest in passing this bill.

Sen. BOSSIE: The purpose of Sen. Spanos' motion for a special order was to give him and us more time to study this.

Sen. PORTER: The bill has been around since January and has changed little or none. I'm trying to expedite business here in the Senate chamber.

Sen. JACOBSON: I don't know what procedure that we are asking the question on. I notice there's only a \$4,000 appropriation — two for each year. It seems to me that we suspended this from going to Finance committee with sums greater than that and if we did have the special order it would allow more time for consideration. Would that be agreeable to you?

Sen. PORTER: It's agreeable to me, Senator.

Sen. SANBORN: It is my understanding that tomorrow we were going to discuss HB 888 and its amendments which will take considerable time. Do we want to take up such a bill as HB 307 and HB 888 in the same afternoon?

The CHAIR: That's a good question to which I have not the answer.

Sen. PORTER: Mr. President, we moved the bill out of Resources fairly rapidly in order to expedite it and get it into Finance. I have no reason for getting it on the floor today nor to the members of the committee.

Sen. Green moved that HB 307 be made a Special Order of Business for 1:02 on Friday next.

Adopted.

**HB 861**

relating to limited partnerships. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill amends the limited partnership law in several small but important respects. There is presently existing law with limited partnerships holding private real estate in their own name, when conveying it without a signature of all of the limited partners. There is also a question in the law as to whether limited partners can be a corporation. And this bill would authorize that.

Adopted.      Ordered to third reading.

**HJR 45**

extending the special committee to study the effectiveness of the laws relating to access to and use of public buildings by the physically handicapped. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, all this bill does is extend the license of the committee that was established in 1971 through 1975 session of the general court. It also provides that members of the House and Senate who were appointed and are no longer members of the House and Senate no longer are on the committee and these members will be replaced. I urge its passage.

Adopted.      Ordered to third reading.

**HB 272**

increasing the sum paid for care of mentally ill persons in foster homes. Without recommendation. Sen. McLaughlin for the Committee.

Sen. McLaughlin moved that the words ought to pass be substituted for the words without recommendation.

Sen. MCLAUGHLIN: Mr. President, members of the Senate, this bill basically increases from \$100 to 150 dollars the compensation paid to families caring for retarded children. Unfortunately it did not get through the Finance of the House because it was not sent to them with the proper time and so forth. There is an appropriation of \$25,000 added to the \$50,000 which is already in the budget and we recommend its passage.



Adopted. Referred to Finance.

**HJR 47**

providing for a legislative committee to study the means of implementing a furlough system at the New Hampshire state prison. Ought to pass. Sen. McLaughlin for the Committee.

Sen. McLaughlin moved that HJR 47 be referred back to the committee on Public Health, Welfare and State Institutions.

Sen. MCLAUGHLIN: Mr. President, I'd like to have this referred back to the committee due to an amendment which I received this morning which renders consideration.

Adopted.

**HJR 48**

establishing a study commission on the problems of unemployed citizens in New Hampshire Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this joint resolution would establish a study commission consisting of nine members to study the problems of the unemployed. The commission will be composed of three members of the Senate and three members of the House and three interested citizens.

Adopted. Ordered to third reading.

**HB 896**

relative to health certificates for child-care agency personnel. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, the purpose of this bill is to strike from the law, the requirement that in order for a license to be granted for child care agencies the child care personnel must be physically examined annually at the expense of the agency.

Adopted. Ordered to third reading.

**HB 578**

relative to the duties of the division of welfare pertaining to child welfare. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this bill is relative to the Division of Welfare pertaining to child welfare. It amends some of the statutes that are outmoded. It provides that the

State Division of Welfare supervise the administration of welfare. In another section it provides for the general supervision of all neglected, dependent, or delinquent children.

Adopted.      Ordered to third reading.

**HB 548**

revising the day care advisory committee to provide for representation by users of day care facilities. Ought to pass. Sen. McLaughlin for the Committee.

Sen. McLaughlin moved that HB 548 be recommitted to the committee.

Sen. MCLAUGHLIN: Mr. President, there was an amendment approved by the whole committee and we could not find the amendment today. It asks for eight members of the House on this committee and no members of the Senate. We want to have members on it. We'd like this to go back to committee.

Adopted.

**HB 708**

relative to fraudulent receipt of welfare assistance. Ought to pass with amendment. Sen. McLaughlin for the Committee.

**AMENDMENT**

Amend RSA 167:17-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

167:17-a Unauthorized Payments; Recovery by State. Any sums paid to or on behalf of any person under the provisions of RSA 167 as a result of any false statement, misrepresentation or concealment of or failure to disclose the receipt of property, wages, income or resources by him or by any person legally liable for his support may be recovered in an action brought by the state against such person. The director of the division of welfare shall recover any unauthorized payments by reasonably adjusting current and future grant amounts received by the person violating the provisions of this section.

Sen. MCLAUGHLIN: Mr. President, and members of the Senate the amendment on HB 708 is on page 43. In essence it says that the director shall recover unauthorized payments by reasonably adjusting future grants.

Amendment Adopted.      Ordered to third reading.

**HB 1020**

to enable the director of the division of public health to have the option of designating an alternate to represent him on certain boards and commissions. Ought to pass with amendment. Sen. Preston for the Committee.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

**AN ACT**

to enable the director of the division of public health to have the option of designating an alternate to represent him on certain boards.

Amend the bill by striking out section 3 and renumbering sections 4, 5 and 6 to read 3, 4 and 5 respectively.

Sen. PRESTON: Mr. President, this act would enable the Director of the Division of Public Health to designate a representative on certain boards. However, the amendment proposed here simply eliminates the water pollution commission. It was strongly felt that the water pollution board was so important that it deserved the attention of the director itself. So the amendment eliminates this commission.

Amendment Adopted.      Ordered to third reading.

**HB 32**

providing for qualification of bridge inspectors, making bridge inspection a prerequisite for application for bridge aid, and requiring state assistance in bridge inspection. Ought to pass as amended. Sen. Sanborn for the Committee.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

**AN ACT**

relative to the inspection of bridges and making an appropriation therefor.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Inspection of Bridges on Class I, II and III Highways.

Amend RSA 242-A:2 (supp) as inserted by 1969, 222:1 by striking out in line 2 the words "an annual" and inserting in place thereof the following (a biennial) so that said section as amended shall read as follows:

242-A:2 Bridges on Class I, II and III Highways. The commissioner of public works and highways shall make a biennial inspection of bridges on class I, II and III highways. Records of said inspections shall be kept by the department of public works and highways. The commissioner of public works and highways may employ such assistants, engineers or consulting services as may be necessary to carry out the provisions of this chapter.

4 Assistance to Towns and Cities. Amend RSA 242-A:4 (supp) as inserted by 1969, 222:1 by striking out said section and inserting in place thereof the following:

242-A:4 Assistance to Towns and Cities. The commissioner of public works and highways shall, upon request of any town or city, inspect a bridge or bridges in said town or city, provided that the length of such bridge or bridges does not exceed one hundred feet, and supply a copy of the record of said inspection at no expense to the town or city.

5 Appropriation. There is hereby appropriated to the department of public works and highways the sum of thirty-six thousand four hundred eighty-nine dollars for the 1974 fiscal year and the sum of thirty-seven thousand two hundred thirty dollars for the 1975 fiscal year for the purposes of this act. Such sums shall be in addition to any other sums appropriated to said department and shall be expended as follows:

	1974	1975
Engineering		
Personal Services:		
Permanent:		
Bridge Inspectors (2)	15,100	15,962
Clerk Typist II	5,618	5,837
Other:	3,000	3,000
Overtime	3,632	4,000
Benefits	2,309	2,431
Current Expenses	600	300
Travel:		
In State	5,600	5,600
Equipment	630	150
Total	36,489	37,280

6 Effective Date.

I. Section 4 of this act shall take effect January 1, 1974.

II. Sections 1, 2, 3, and 5 of this act shall take effect July 1, 1973.

Sen. SANBORN: Mr. President, the amendment to HB 32 provides that it strikes out the line in the existing statute requiring annual inspection and changes it to a biannual inspection for all bridges on class 1, 2 and 3 highways. It also adds that the state will inspect all bridges with the request of the town on class 4 and 5 highways at no expense to the town.

Amendment adopted. Referred to Finance.

### HB 856

requiring the reporting of drownings and boating accidents upon New Hampshire waters. Ought to pass as amended. Sen. Brown for the Committee.

### AMENDMENT

Amend RSA 270:1-a, II, as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following:

II. All law enforcement agencies having knowledge of a drowning or boating accident shall have a duty to report any personal injury resulting from a boating accident, death or drowning including suspected drownings, and all boating accidents wherein there is resulting damage of one hundred dollars or more, immediately, to the director of safety or his authorized representative.

Amend the un-numbered introductory paragraph of RSA 270:1-b, as inserted by section 1 of the bill, by striking out in line two the numerals "I-II" and inserting in place thereof the following (I) so that said paragraph as amended shall read as follows:

Any person who fails to file the reports required in RSA 270:1-a, I, shall be subject to the following penalty:

Sen. BROWN: Mr. President, under the present statutes anyone who owns a commercial or private boat and there is an accident resulting in a death then damage of \$100 or more is required to be reported. We've had accidents where the owner



of the boat has died so obviously he couldn't report it. So the Director of Safety Services has to find out about it the next day in the papers. The Director is required by the Coast Guard to report all these accidents. So this bill changes the statutes so that all law enforcement agencies will be required to report these accidents to Safety Services. The amendment, adds the words, "having knowledge of a drowning or boating accident,". The second part changes it so that the penalties will be on the person owning the boat.

Amendment Adopted.      Ordered to third reading.

### HB 634

relative to any type of advertising attached to objects of nature whether such advertising be upon primary or secondary roads. Ought to pass as amended. Sen. Foley for the Committee.

### AMENDMENT

Amend RSA 249-A:6-a as inserted by section 3 of the bill by striking out the same and inserting in place thereof the following:

249-A:6-a No Advertisements of any Kind Upon Certain Objects. Notwithstanding any provisions of the law to the contrary, it shall be unlawful to affix, attach or display any advertisement upon any object of nature, utility pole, telephone booth, or highway sign, directly in such a manner that the object of nature, utility pole, telephone booth, or highway sign, is utilized as an integral part of the sign's support as distinguished from being only incidentally a support to the sign, such as the earth or ground upon which a sign is affixed. This prohibition shall extend to all primary and secondary highways and roads of and within the state without exception for any type of advertising.

Sen. FOLEY: Mr. President, this act limits the objects which may be used to support political advertising by prohibiting the use of natural objects in nature as well as public utility polls.

Amendment Adopted.      Ordered to third reading.

### HB 68

relative to weights and measures standards. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, this is an on-going program of upgrading the position of Bureau of Weights and Measures. Two years ago we went from a population of 10,000 to 17,000. This bill would move that to 35,000.

Adopted.      Ordered to third reading.

**HB 892**

to clarify the status of accountants under the statutes. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, HB 892 merely permits the department heads having certain forms made out and audited by a certified public accountant. There was no opposition to it.

Adopted.      Ordered to third reading.

**HB 781**

relative to embalmers, morticians and funeral directors. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, this does two things. It straightens out the statute language, requiring two years for embalmers' apprenticeship. It also covers the different fees relating to embalming.

Sen. SANBORN: Mr. President, after discussing the funds that the embalmers had we recommended to them that they increase their fees.

Adopted.      Ordered to third reading.

**HB 920**

relative to the taxation of railroads. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, this bill would leave the door open so that the state could possibly collect some of its tax money from the B & M railroad. This has to be on a negotiating basis which is not permissible now.

Adopted.      Ordered to third reading.

RECESS

OUT OF RECESS

## SUSPENSION OF RULES

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to allow the introduction of the following committee reports without previous notice in the Journal: HB 681, HB 418, HB 451, HB 409, HB 876, HB 810, HB 993, HB 495, HJR 12, and HB 300.

Sen. JACOBSON: Why is it necessary to have the suspension now?

Sen. TROWBRIDGE: We're trying to keep ahead and most of these bills are routine measures.

Sen. JACOBSON: I don't know what any of the bills are about but I express an increasing concern that by doing this suspension that this will establish a pattern and there are Senators who will not know about these bills.

Sen. NIXON: I'd like to join in the concern expressed by Sen. Jacobson and then go on and say that an emergency does exist in the fact that we still have 425 more HB's to complete work on by next Thurs. including hearings.

Sen. LAMONTAGNE: Mr. President and members of the Senate, I rise in support of the motion being made by Sen. Trowbridge.

Sen. TROWBRIDGE: May I read the bills?

The CHAIR: Yes.

Adopted.

**HB 681**

transferring members from the predecessor systems to the N. H. retirement system. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this bill would transfer employees from other state retirement systems to the New Hampshire retirement system as of June 30, 1974, unless the employee as of April 1, 1974 notified the board of his desire to remain in the original system.

Adopted.      Ordered to third reading.

**HB 418**

providing additional cost of living retirement allowances for certain state employees, and making an appropriation therefor. Ought to pass. Sen. S. Smith for the Committee.

Sen S. SMITH: Mr. President, this provides a cost of living increase for all state employees retirement systems and teachers etc. It brings it in line with the cost of living increase that is being proposed by SB 100 for the New Hampshire retirement system.

Adopted.      Ordered to third reading.

**HB 451**

providing additional retirement allowances for certain retired teachers and making an appropriation therefor. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this is a bill appropriating \$142,000 to be paid to those teachers who retired before July 1, 1957. This is a bill which has come in every biennium to supplement the retirement of those teachers who are in their 80's and 90's.

Adopted.      Ordered to third reading.

**HB 409**

changing the basis for retirement benefits for group I members for the highest five to the highest three years compensation. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this bill changes the retirement benefits for group I members from the base of their pay for the last five years to the highest three years. This cost is to be borne by the people in the system.

Adopted.      Ordered to third reading.

**HB 876**

relative to the use of sewer rents, hook-ups or betterment charges. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, I sent a copy of this to Sen. Jacobson. There is an ambiguity as to whether a municipality can use the hook-up charges that they get from the sewer. One statute part says yes and another no. This bill is to clarify this.

Sen. JACOBSON: I don't know what this bill does and how it got to Finance, I don't have the slightest idea. Whether it's good or bad I do not know. I think it should be referred to Executive Departments and Municipal Governments.

Sen. Lamontagne moved that HB 876 be recommitted to the committee on Executive Departments, Municipal and County Governments.

Sen. TROWBRIDGE: I want this to be done with the understanding that this does not have to go back to Finance.

Adopted.

### HB 810

establishing a legislative facilities committee; and making an appropriation therefor. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, HB 810 is the Post Office bill. For some time I've been working to have something done so that the House and Senate have some adequate space in which to work. I was on the Citizens Task Force and I spent a lot of time in that Post Office and I know that it's a grand old building. We've tried to have it renovated. Finally we've agreed that that should be allocated to the legislative branch and then last session we set out to have two studies done by an architect to build a brand new building and one to take it and renovate it. The office space study committee studied this and determined that the new building would cost 9 million five hundred thousand dollars and that renovating would cost 3 million 6 hundred thousand dollars.

Sen. BROWN: Is the legislative study committee an existing committee?

Sen. TROWBRIDGE: It's an addition to the office space committee.

Adopted.      Ordered to third reading.

### HB 993

relative to temporary, seasonal and part-time state employees. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, this bill concerns the fact that right now any temporary employee who is on board for six months or more does qualify for annual leave and sick leave but the statute reads that he has to be terminated in order to get it. So mostly these people, like the spare toll road operators, all quit for a day and are hired back two days later in order to get their annual leave and sick leave. This bill is to change that wording so that doesn't happen.



Adopted.      Ordered to third reading.

**HB 495**

relative to payment by the state of the cost of educating children living in foster homes and making an appropriation therefor. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, this is a companion bill to SB 76. SB 76 has to do with education of the handicapped and our picking up the tuition payments over the normal costs of tuitioning costs for the handicapped. HB 495 deals with foster children and the cost of educating them. Right now the cost of educating them lands on the town in which they are housed. HB 495 provides for up to \$200 per student. For the appropriation it would take \$540,000 over the biennium.

Sen. JACOBSON: I rise in support of this bill. I sponsored the same legislation a few weeks ago. I support Senator Trowbridge's motion as ought to pass.

Adopted.      Ordered to third reading.

**HJR 12**

appropriating funds to the towns of Pittsburg and Clarksville in lieu of taxes on Lake Francis. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this resolution gives in lieu of taxes to the town of Clarkesville the sum of \$12,500 each year and due to the land which is in the center of the town and took a great deal of taxable property out of the town. This resolution covers the years 1972 and 1973 as the funds were not appropriated as they had been in previous years. This sum is in HB 888 for the years 1974 and 1975.

Sen. JACOBSON: How many other towns receive this special dispensation in the state?

Sen. S. SMITH: None to my knowledge.

Sen. LAMONTAGNE: This is a matter that hasn't been said since 1955 and at that time it started about having a special bill. It was later put into the Water Resources budget. The reason that this was done is because there was an agreement between Pittsburg and Clarkesville.

Sen. JACOBSON: Sen. Lamontagne, did the Water Resources Board sometime after that sell lots?

Sen. LAMONTAGNE: Some of the land was taken by the state.

Sen. JACOBSON: Did the Water Resources Board at any time sell any lots?

Sen. LAMONTAGNE: A few.

Sen. JACOBSON: How many?

Sen. LAMONTAGNE: I think there were five or six.

Sen. JACOBSON: Do you have any idea what the assessed valuation is?

Sen. LAMONTAGNE: No, I don't.

Adopted.      Ordered to third reading.

### **HB 300**

increasing the mileage rate for all state employees using privately-owned passenger vehicles, and making an appropriation therefor. Ought to pass. Sen. Provost for the Committee.

Sen. PROVOST: Mr. President, what this bill does is increase mileage reimbursement for state employees driving their cars on state business. We have had no increase since 1963. This would give them 10c a mile.

Adopted.      Ordered to third reading.

The CHAIR: The Chair appoints as conferees on the part of the Senate in respect to HB 289, Sens. Bossie, Poulsen and Ferdinando.

Sen. Sanborn moved that HB 358 be recalled from the Governor.

Sen. SANBORN: I've just learned that the RSA specified in this bill was 275 and it should have been 279. I ask that this bill be recalled.

Adopted.

Sen. Sanborn moved that HB 358 be placed on second reading and referred back to the committee on Public Health and Welfare.

Adopted.

Sen. S. SMITH: I move that the rules of the Senate be so far suspended as to introduce committee reports on HB 472, HB 730 and HB 601 at this time without the necessary notice in the Journal.

Adopted.

### HB 730

providing for regional vocational educational programs and making an appropriation therefor. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, 730 an act providing for regional vocational education programs, making an appropriation therefore. It's the bill which establishes and unifies throughout the state the so-called twenty vocational education regions. The bill originally had a 35 million dollar appropriation and it was testified in the committee on bonding that the reason was estimated that the total cost program would be in that vicinity, however, the House Appropriations Committee reduced that to 3 and one half million. It also establishes the rules and regulations by which students get aid from the state and towns sending out pay for tuition to the centers and it establishes it on a statewide uniform basis. There is an appropriation for the operation of this presently in the budget.

Adopted. Referred to Finance.

### HB 472

authorizing the department of education to contract with school volunteer programs for continued services, and making an appropriation therefor. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this bill authorizes the Department of Education to make contract with volunteer school programs for continuing services and appropriates \$35,000 for the administration of this volunteer program. Up until this time the Spaulding-Potter Trust and others have contributed to the management of it but due to the demise of this trust there has arisen the necessity that state funds be appropriated for the continuing of the operation. There are over 3,000 persons involved. Volunteers to help in many of the school districts throughout the state. The department's function is to be sure that these

people have the training to be of assistance. We hope the Senate will look favorably upon the recommendation of the committee.

Adopted.      Referred to Finance.

**HB 601**

relative to scholarships for orphans of veterans of the Southeast Asian conflict. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, under the present law orphans of veterans of WWI or II or the Korean Conflict received scholarships and benefits for their education between the ages of 16 and 25. This bill extends that to those orphans of veterans who were killed in the Southeast Asian Conflict who are residents of the state.

Adopted.      Ordered to third reading.

**RECESS****OUT OF RECESS****SPECIAL ORDER OF BUSINESS 1:01****HB 747**

concerning conservation and preservation restrictions on real property.

Sen. POULSEN: Senator Bradley my question was how long do these easements last on real estate?

Sen. BRADLEY: There is no neat answer to that. It lasts as long as the provision is made or lasts until someone takes action to have it taken off. The best way to answer this question in relationship to this bill is that this bill is doing anything to change the duration of this easement.

Sen. POULSEN: Do I understand then that what this bill does is add a variety of restrictions of easements that can be included in what restrictions are now legal?

Sen. BRADLEY: What the bill does is say that these agencies whose purpose is conservation and preservation of historical sites, it allows them to enforce these restrictions on land. Under existing laws there are many circumstances to prevent this.

Sen. PRESTON: Senator Bradley, it still isn't clear in my

mind. I'm concerned about this perpetuity. If we precluded any type of change whatsoever we might be doing a terrific injustice to our great grandchildren. Would they be denied this right?

Sen. BRADLEY: The answer to that is this — that where you have none of these restrictions, it's become obviously impractical you can go to court and have the law removed by the court on that basis. You will be just as able to do that under this bill as you can under existing law.

Sen. TROWBRIDGE: There are a great many things or restrictions on land that have been imposed five years ago which run to certain individuals who have the right to enforce it but no one can find those individuals, so that the persons who made the restrictions can now enforce it. This bill will see that the restrictions can now enforce it. This bill will see that these restrictions are enforced.

Sen. PRESTON: That's the very thing that bothers me, Senator. If everyone had done this maybe two thirds of us today wouldn't be living in the state of New Hampshire and it bothers me.

Sen. TROWBRIDGE: I understand your concern, what I'm saying here is that for example, I own a piece of land and I say that I don't want this and I want to will this to the town and I do that. Then it's clear that the town has the right to enforce that restriction. Still, this bill does not make it possible for someone to will his land to be used only for cats or that kind of crazy restriction. This bill in no way broadens the scope of people making restrictions. What it does is if someone gives something for public purpose a kind of restriction for the conservation for the good of all that then the public agencies can be the ones who will see that that goes on.

Sen. Bradley moved that HB 747 be placed back on second reading and recommitted to the Committee on Judiciary.

Adopted.

Sen. Foley moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the readings of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.



Adopted.

### LATE SESSION

#### Third reading and final passage

HB 455, establishing a committee to study and report on goals, purpose, organization and financing of the state university system, and making an appropriation therefor.

HB 847, permitting the employment of inmates of houses of correction at municipally owned recreational facilities and conservation projects.

HB 702, relative to the terms of jurors.

HB 580, relative to jury trials of minor offenses.

HB 947, amending the definition of "charitable organizations" for conducting raffles.

HJR 49, to create an interim study committee to study the need, form and content of a uniform probate code and to draft legislation, if need be.

HB 861, relating to limited partnerships.

HJR 45, extending the special committee to study the effectiveness of the laws relating to access to and use of public buildings by the physically handicapped.

HJR 48, establishing a study commission on the problems of unemployed citizens in New Hampshire.

HB 896, relative to health certificates for child-care agency personnel.

HB 578, relative to the duties of the division of welfare pertaining to child welfare.

HB 708, relative to fraudulent receipt of welfare assistance.

HB 1020, to enable the director of the division of public health to have the option of designating an alternate to represent him on certain boards and commissions.

HB 856, requiring the reporting of drownings and boating accidents upon New Hampshire waters.

HB 634, relative to any type of advertising attached to objects of nature whether such advertising be upon primary or secondary roads.

HB 68, relative to weights and measures standards.

HB 892, to clarify the status of accountants under the statutes.

HB 781, relative to embalmers, morticians and funeral directors.

HB 920, relative to the taxation of railroads.

HB 681, transferring members from the predecessor systems to the New Hampshire retirement system.

HB 418, providing additional cost of living retirement allowances for certain state employees, and making an appropriation therefor.

HB 451, providing additional retirement allowances for certain retired teachers and making an appropriation therefor.

HB 409, changing the basis for retirement benefits for group I members from the highest five to the highest three years compensation.

HB 810, establishing a legislative facilities committee; and making an appropriation therefor.

HB 601, relative to scholarships for orphans of veterans of the Southeast Asian Conflict.

HB 993, relative to temporary, seasonal and part-time state employees.

HB 495, relative to payment by the state of the cost of educating children living in foster homes and making an appropriation therefor.

HJR 12, Joint Resolution appropriating funds to the towns of Pittsburg and Clarksville in lieu of taxes on Lake Francis.

HB 300, increasing the mileage rate for all state employees using privately-owned passenger vehicles, and making an appropriation therefor.

Adopted.

#### SUPREME COURT DECISION

To the Honorable Senate:

The undersigned justices of the supreme court give the following answer to the question contained in your resolution of May 9, 1973, filed in this court on May 11, 1973. Memoranda thereon were ordered to be filed by May 21, 1973.

Your question pertains to Senate Bill No. 75 which would amend our Revised Statutes Annotated by adding chapter 292-B entitled "An Act adopting the uniform management of institutional funds act." The bill has a declaration of purpose not found in the Uniform Act which reads as follows: "292-B:1 Declaration of Purpose. It is hereby declared to be in the public interest and to be the policy of the state to promote, by all reasonable means, the maintenance and growth of eleemosynary institutions by encouraging them to establish and continue investment policies, without artificial constraints, which will provide them with the means to meet the present and future needs of such eleemosynary institutions pursuant to the provisions of this act. To this end it is hereby declared to be in the public interest and to be the policy of the state to encourage such institutions to adopt investment policies whose objective is to obtain the highest possible total rate of return consistent with the standard of prudence." "A legislative declaration of purpose is ordinarily accepted as a part of the act. . . ." *Opinion of the Justices*, 88 N.H. 484, 490, 190 A. 425, 429 (1937); *Velishka v. Nashua*, 99 N.H. 161, 165, 106 A.2d 571, 573 (1954); *Opinion of the Justices*, 113 N.H. , A.2d (May 2, 1973).

This purpose is to be accomplished by providing: (1) a standard of prudent use of appreciation in invested funds (§ 2); (2) specific investment authority (§ 4); (3) authority to delegate investment decisions (§ 5); (4) a standard of business care and prudence to guide governing boards in the exercise of their duties under the Act (§ 6); and (5) a method of releasing restrictions on use of funds or selection of investments by the donor's acquiescence or court order (§ 7). This bill, except for certain minor changes not material to the question, is identical to an Act drafted by the National Conference of Commissioners of Uniform State Laws, and approved and recommended in August 1972 for enactment in all states. That Act or similar Acts authorizing expenditure of appreciation in the value of assets subject to a standard of business care and prudence have been adopted in several states. See New York Not-for-Profit Corporation Law § 513 (d); N.J.S.A. §15:18-8; Cal. Anno. Corp. Code § 10251 (c); Gen. Laws of R. I. § 18-12-2.

The question submitted to this court reads as follows: "To the extent that provisions of SB 75 purport to affect existing endowment funds, would such provisions be unconstitutional as an invasion of the equitable powers of the Judiciary [N.H. Constitution Part 1, Art. 37] or for any other reason?"

Our answer to this question is "No".

The proposed Act applies exclusively to funds held by an eleemosynary institution for its exclusive use, benefit or purposes. Hence there exists no conflict of interest between an income beneficiary and a remainderman, nor is there the usual fiduciary relationship toward beneficiaries which exists when a trust fund is not held for the exclusive use, benefit or purposes of its administrator as are the funds to be regulated by this Act. These institutions are in a situation with regard to their endowment funds similar to that of directors of a business corporation with respect to the administration of its property. Restatement (Second) of Trusts § 389, comment *b* (1959). See 1951 Opinions of the Attorney General 159, 161 (N.Y.).

Although courts can pass on the propriety of investments made by business corporations, such as savings banks, on a case to case basis, our legislature has regulated for many years the investments legally to be made by these institutions. See, e.g., P.S. ch. 165; RSA ch. 387. These regulations are in the exercise of the broad powers of the legislature to secure the safety of the depositors. *Peterborough Savings Bank v. King*, 103 N.H. 206, 168 A.2d 116 (1961). It is our opinion that there is a similar and even greater public interest to insure that endowment funds provide the maximum opportunity for education or other similar purposes, for which they were created. RSA 7:19-32-a as amended (Supp. 1972). This consideration can be the basis of regulations by the legislature such as those proposed by SB 75.

Matters relating to trusts are usually within the jurisdiction of the judiciary. However, part 1, article 37 of the New Hampshire constitution does not require the erection of impenetrable barriers between the branches of our government. On the contrary, the three departments must move in concert without improper encroachments by one branch upon the functions of another. *Opinion of the Justices*, 110 N.H. 359, 363, 266 A.2d 823, 826 (1970); Vanderbilt, *The Doctrine of the Separation of Powers and Its Present-Day Significance* 50 (1963). This pro-

vision has continued to receive a practical construction and has been acknowledged to contemplate some overlapping and duality as a matter of practical and essential expediency. *Opinion of the Justices supra*.

We are of the opinion that the provisions of proposed RSA ch. 292-B which would promulgate rules for the administration of endowment funds which respect the expressed intentions of the donor would not constitute an improper encroachment upon the functions of the judicial branch of our government. It is also our opinion that the application of these rules of administration to endowment funds created previous to its enactment would not violate the provisions of part 1, article 23 of our State constitution. See *Pepin v. Beaulieu*, 102 N.H. 84, 89-90, 151 A.2d 230, 235 (1959); *Hartford Accident & Indemnity Co. v. Duval*, 113 N.H. , , 300 A.2d 732, 734 (1973). This view is supported by authorities sustaining comparable provisions of the Uniform Principal and Income Act. *In re Gardner's Trust*, 266 Minn. 127, 132, 123 N.W.2d 6973 (1963); Annot., 69 A.L.R.2d 1137; Bogert, *Trusts & Trustees* § 847, at 504-506 (2d ed. 1962).

As previously stated our answer to your question is "No". See Cary and Bright, *The "Income" of Endowment Funds*, 69 Colum. L. Rev. 396 (1969).

Frank R. Kenison  
Laurence I. Duncan  
Edward J. Lampron  
Robert F. Griffith

June 4, 1973

Sen. Bradley moved that HB 508 and HB 878 be vacated from the committee on Judiciary and Referred to Finance.

Adopted.

The following amendment was adopted on May 24, 1973.

#### AMENDMENT

Amend the bill by striking out section 2 of same and inserting in place thereof the following:

2 Operation in Construction Zone and Maintenance Activities Exempted. Amend RSA 249:52 by inserting after paragraph IV the following new paragraph:



V. The provisions of paragraph II shall not apply to:

(a) The operation of highway building equipment as defined in RSA 259:1, XII and motor vehicles used in the construction of highways provided that such equipment or motor vehicle is used within a highway construction zone as prescribed by the commissioner, public works and highways, provided that the operator of any such vehicle shall not thereby be relieved of his duty to exercise reasonable care.

(b) The operation of municipal and state highway maintenance equipment.

Sen. Bradley moved the Senate adjourn at 4:40 p.m.

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*Thursday, 14Jun73*

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O God, we thank Thee for the good things which Thou hast given unto us and to our country.

As we celebrate Flag Day, may the red for bravery; the white for purity; and the blue for loyalty; pervade in our hearts.

Let us so legislate in this State as well as all the others — represented by the fifty stars in the field of blue — so that the government of the People, by the People and for the People shall not perish from the earth. Amen.

Pledge of Allegiance was led by Representative Mary Cotton.

#### HOUSE MESSAGES

#### HOUSE CONCURRENCE

SB 38, authorizing the real estate commission to expend from examination fees whatever sums are necessary to hire a testing service.

SB 102, to delete reference to federal funds being applied to reimburse the State.

### HOUSE NON-CONCURRENCE

SB 84, providing compensation for conservation officers injured in line of duty.

SCR 7, regarding air operations over Cambodia.

SJR 4, to reimburse Michael Savchick for efforts as project coordinator in the water pollution abatement of the Androscoggin River.

SB 98, providing that the motor vehicle record of person to whom the vehicle is registered is prima facie evidence that registered owner of vehicle was the driver at time vehicle illegally passes a school bus.

### HOUSE ADOPTION OF COMMITTEE OF CONFERENCE REPORT ON

HB 43, relative to the control of aquatherms in the waters of this state.

### HOUSE CONCURRENCE WITH ENROLLED BILLS AMENDMENT

HB 673, relative to adoption procedures.

### ENROLLED BILLS REPORT

HB 632, relative to investment of retirement funds.

HB 693, relative to debt during transition period following adoption of optional fiscal year.

HB 796, relative to excusing school attendance for handicapped children.

HB 858, relative to the maintenance and protection of unused covered wooden bridges.

HB 905, requiring that public schools provide instruction relative to infirmities caused by drugs and venereal disease.

HB 936, permitting an access on Route 28 in the town of Allenstown.

HB 38, relative to the New Hampshire American Revolution Bicentennial Commission.

HB 120, relative to the maintenance of a certain section of highway in the city of Lebanon.

HB 256, relative to outdoor advertising on the interstate, federal-aid systems and turnpikes.

HB 284, increasing the fireman's relief fund.

HB 310, relative to cooperative extension work at the university of New Hampshire.

HB 651, to provide for termination of certain charitable trusts.

SB 134, relative to insurance holding companies and regulating the use of company needs.

HJR 4, providing an appropriation for Old Fort Number Four.

HJR 8, appropriating funds to the Water Resources Board for an erosion control project in Charlestown.

Sen. Provost  
*For The Committee*

#### HOUSE REQUESTS CONCURRENCE WITH AMENDMENT ON

SB 182, providing for seven appointed members to the Manchester Airport Authority.

Sen. Bossie moved that we non-concur with the amendment offered by the House and request a committee of conference.

Sen. BOSSIE: Mr. President, I am frankly quite reluctant to ask a committee of conference on this bill. This bill originally was a very simple bill and it asked for two more members of the Manchester Airport Authority. We have five members now at the authority which have to come from Manchester or adjoining towns. At the present time there are three individuals on that board and one from Bedford and one from Keene. Now this bill went to the House and the Representative from Londonderry tacked on an amendment which provided that two

members shall come from Londonderry. As we know, the entire budget of the Manchester Airport Authority is paid for by the taxpayers of the City of Manchester. It would be fine if Londonderry would have two representatives if they would pay two sevenths of the cost of the airport. But they do not intend to. I am very much against this amendment.

Adopted.

SJR 17, establishing a committee to study the adequacy of laws relating to the confidentiality of the records of state agencies.

(See House Journal)

Sen. Bradley moved that the Senate concur with the House amendment.

Sen. BRADLEY: The amendment is very simple. The original make up was four from the Senate and four from the House and they have changed it to three from the Senate and four from the House and the original bill did not have mileage for the committee and this adds that.

Adopted.

SB 150, relative to importing and releasing wild life.

(See House Journal)

Sen. Blaisdell moved that we concur with the House amendment.

Adopted.

SB 178, regulating business practices between motor vehicles manufacturers.

(See House Journal)

Sen. Poulsen moved that the Senate concur with the House amendment.

Adopted.

## COMMITTEE REPORTS

### HJR 43

relative to retirement credits for Clarence W. Metcalf, Floris H. Lanigan, Kenneth Lewis, Francis J. Donahue, John P.

McGee and Willis S. Low. Ought to pass with amendment. Sen. Sanborn for the Committee.

### AMENDMENT

Amend the caption of said resolution by striking out the same and inserting in place thereof the following:

### JOINT RESOLUTION

relative to retirement credits for Clarence W. Metcalf, Floris H. Lanigan, Kenneth Lewis, Francis J. Donahue, John P. McGee, Willis S. Low, Thomas A. Bolton and Lawrence E. Marchand.

Amend said resolution by striking out all after the resolving clause and inserting in place thereof the following:

Clarence W. Metcalf, Floris H. Lanigan, Kenneth Lewis, Francis J. Donahue, Thomas A. Bolton and Lawrence E. Marchand shall each be entitled to receive creditable service in their respective retirement systems for those periods of prior service on which they withdrew their contributions, upon repayment by them of the sums so withdrawn, plus interest at four percent from the date of withdrawal to the date of repayment.

John P. McGee and Willis S. Low are each hereby authorized to purchase creditable service in their respective retirement systems, for those periods of service when they were employed but did not make contributions, on condition that said individuals and their employers make such contributions as determined by the board of trustees, plus interest at four percent for the period from when payment should have been paid to the date of payment.

The credits hereby authorized shall not be credited unless the payments required hereunder are made within one year from the effective date of this resolution.

Sen. Trowbridge: Mr. President, HJR 43 is all of the bits and pieces of the retirement group that have been passed by the House in one fell swoop. These are all the people who will be buying back into the system with their own money. I urge the adoption of the amendment and the report.

Sen. LAMONTAGNE: I urge the Senate to vote in favor of HJR 43.



Amendment Adopted. Ordered to third reading.

**HB 1044**

relative to the purchase of handicapped-made products and services by the state. Ought to pass with amendment. Sen. S. Smith for the Committee.

AMENDMENT

Amend the introductory paragraph of RSA 8:25-a as inserted by section 1 of said bill by striking out in line four the word "shall" and inserting in place thereof the following (may) so that said introductory paragraph as amended shall read as follows:

Notwithstanding any other provision in this subdivision to the contrary, whenever handicapped-made products or services of handicapped persons are available, the director of purchase and property may purchase the same at their fair market value in accordance with the following:

Sen. S. SMITH: Mr. President, what this bill does is to make it more possible for the state's purchasing department to buy those products made by handicapped persons through one of their organizations. The amendment changes "shall" to "may" to allow more flexibility with the director of purchase in working with the groups who have products for sale.

Amendment Adopted. Ordered to third reading.

**HB 988**

establishing a third New Hampshire state song. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, Sen. Blaisdell's committee heard this report having the establishment of a third song for the state of New Hampshire. The music was written by Tom Powers and the words by poet Paul Scott Mowrer. It was entitled, "New Hampshire Hills" as a poem and as a completed work it is entitled, "A Song of New Hampshire." Mr. Mowrer as talented a genius reporter, poet and author spent many of his more than forty years as a newspaperman and was named New Hampshire's first poet laureate by Governor John W. King. He loved the Granite State particularly, the magnificent view from his Chocorua home where he spent six months composing the words. The combination of talent was unusual but for-

fortunate. There was Mowrer at 81 a recognized literary giant, a 1928 Pulitzer Prize winner, and in 1922 a Sigma Delta Chi National Scholarship Award Winner. Also in 1918 he was the French Medal of Honor. At 21 there was Thomas Powers, the son of Edward Powers our Sweepstakes director. Tom is a music major at Keene state college and had been composing music since he was a sophomore in high school. They composed a song on New Hampshire in 1969.

Sen. BOSSIE: Senator, you stated that this will be the third New Hampshire State song. What are the other two?

Sen. PRESTON: I don't know.

Sen. JACOBSON: Did you get any information on how many people know the other two songs?

Sen. PRESTON: No.

Sen. JACOBSON: Do you yourself know the words of the other two songs?

Sen. PRESTON: No.

Sen. JACOBSON: Do you think that with the third song you will be able to learn all three songs?

Sen. PRESTON: Perhaps.

Sen. LAMONTAGNE: I rise in support of this.

Sen. S. SMITH: As sponsor of the second state song I rise in support of the third state song.

Adopted.      Ordered to third reading.

## HB 785

to require school districts not maintaining high schools to pay full tuition of its students who attend high schools in other districts. Sen. Green for the Committee.

Sen. GREEN: Mr. President, HB 785 changes the present way in which school districts do not maintain high schools with paid tuition costs. Presently the tuition is based on a state average. This bill would change that to have the receiving district be paid whatever the cost is for that district plus a two percent service charge towards the items which are not included.

Sen. SANBORN: Senator, isn't it true under the present

law that a town that does not have a high school may vote at its district meeting to pay only up to the state average?

Sen. GREEN: That's the way it reads presently.

Sen. SANBORN: If the receiving school does not require costs up to the state average the sending district only pays what they request?

Sen. GREEN: That's true.

Sen. SANBORN: In effect under the present law if the town so votes that they will only pay up to the state average, if the receiving school is higher than the state average then the parents of someone will have to pay the difference?

Sen. GREEN: That is correct. What this bill would do is say that a school district maintaining a high school should be compensated on the basis of what it actually costs on a per pupil basis. I also want to make it clear that in the bill it stipulates the formula which the local school district will use in developing their per pupil cost on the same formula used by the state in finding the per pupil cost for the state average.

Sen. SANBORN: Will this not in effect raise, for those towns without a high school, their cost of educating their high school students?

Sen. GREEN: Yes I think that's true and the reason that we need this bill. A lot of schools right now are spending a great deal more on the per pupil basis than they are eligible to be reimbursed for on the basis of the state average. If this community is going to maintain the high school then they should at least be allowed the amount of money needed that school district per pupil.

Sen. BRADLEY: I'd like to rise in support of this. I introduced a similar bill last session. The situation in my town is that Hanover charges the rates and the students from Lyme have to make up the difference from their own pockets.

Sen. SANBORN: I rise in opposition to this bill because I know that in my area of the state this will add a terrific burden onto several towns in my district. And I do know that in those areas there are no great financial burdens being put onto the families because of the present law.

Sen. S. SMITH: I rise in favor of the bill. Sen. Sanborn says that this will put an imposition on some of his district. I would state that without the passage of this bill it puts a great imposition on many families of this state who cannot afford to pay the difference above the tax that they are already paying. I feel very strongly that we are encouraging people to get an education to become more productive and would thus feel that this is only an equitable solution to one area of the problem.

Adopted.      Ordered to third reading.

### SUSPENSION OF RULES

Sen. Johnson moved that rules of the Senate be so far suspended as to permit introduction of a committee report without previous notice in the Journal.

Adopted.

### HB 714

to define the offshore jurisdiction of the State and establish a marine boundaries commission. Ought to pass with amendment. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, the committee report is on HB 714 and has been voted, "ought to pass." This is known as the border bill. It has now come back in with amendment that it seems to be concurring with everyone.

Sen. JOHNSON: We now have a further amendment to HB 714 which I believe you have on your desk.

### AMENDMENT

Amend RSA 1:12, I, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

I. Adjoining the State of Maine: Beginning at the midpoint of the mouth of the Piscataqua River; thence southeasterly in a straight line to the midpoint of the mouth of Gosport Harbor of the Isles of Shoals; thence following the center of said harbor easterly and southeasterly and crossing the middle of the breakwater between Cedar Island and Star Island on a course perpendicular thereto, and extending on the last-mentioned course to the line of mean low water; thence 102° East (true) to the outward limits of state jurisdiction as defined in RSA 1:11. As

to that section of the lateral marine boundary lying between the mouth of the Piscataqua River and the mouth of Gosport Harbor in the Isles of Shoals, the so-called line of "lights on range", namely, a straight line projection southeasterly to the Isles of Shoals of a straight line connecting Fort Point Light and Whaleback Light shall be *prima facie* the lateral marine boundary for the guidance of fishermen in the waters lying between Whaleback Light and the Isles of Shoals.

Amend RSA 1, as inserted by section 1 of the bill, by striking out all after section 14 and inserting in place thereof the following:

1:15 Law Enforcement Zone. Notwithstanding the provisions of RSA 1:14, the code of criminal laws of the state as set forth in RSA Titles LVIII and LXII, and the fish and game laws and regulations of the state in RSA Title XVIII shall not be applied and enforced easterly of the outer line of the marginal sea as defined in RSA 1:11, I, until such time as the governor by proclamation made with the advice and consent of the council determines that the public interest requires application of such laws and regulations easterly of such line and that the capacity of the state so permits. The limitations contained in this section are without prejudice to the claims of this state to the larger marine territory defined in RSA 1:11 to 13.

1:16 Penalty. Notwithstanding the provisions of RSA Title LXII, any person, natural or otherwise, convicted of violating any rule, regulation or specific laws promulgated for the purposes of protecting the rights enumerated in this subdivision, shall be punished by a fine not to exceed ten thousand dollars.

Sen. PRESTON: After a conference between the Governor, the Attorney General, two members of the Boundary Commission and several members of the Senate (Senators Porter, Preston and Jacobson), it was agreed to recommend further amendment of House Bill 714 to the Senate Committee. The changes being recommended are as follows:

The water boundary between New Hampshire and Maine would run from the midpoint of the mouth of Portsmouth Harbor in a straight line to the midpoint of the mouth of Gosport Harbor of the Isles of Shoals. This portion of the line would be approximately the same as "the line of lights on range." The line with Maine would then go through the middle of Gosport



Harbor across the middle of the breakwater between Star Island and Cedar Island 102° true east to the limits of state jurisdiction in a straight line; in other words, out to the continental shelf if our claim is sustained in pending Supreme Court litigation.

The line with Massachusetts on the south would remain at 107° true east.

By moving the line with Maine on the north 5° closer to north as done here would allow New Hampshire to recoup some of the territory which it loses by first going southeasterly from Portsmouth to the Isles of Shoals before turning out to sea.

The lines as now drawn would give New Hampshire the best chance to claim some portion of Gorges Bank, a minerally rich portion of the continental shelf. The lines as now drawn if later upheld would give us a corridor across the northerly end of Gorges Bank. This is much to be preferred over running the lines out to sea due east which would take us north of Gorges Bank and into direct conflict with the Canadian claim.

Regarding law enforcement, the Criminal Code and the Fish and Game laws and regulations would only be required to be enforced at this time out to the three-mile limit (3 miles east of the Isles of Shoals) until such time as the Governor, with the advice and consent of the Council, determined that it was in the public interest and within the capacity of the state to enforce its laws in the larger area to the east which we are claiming.

The Attorney General feels that the suggested amendment will give New Hampshire a favorable setting in the case about to be filed against Maine in the United States Supreme Court.

It should also be noted that these sideline boundaries running out to sea represent a good faith effort to stake out a claim until otherwise determined by decree of the United States Supreme Court or by negotiated agreement between the respective states. It is thus in effect standby legislation so that New Hampshire will not lose standing due to inaction and we believe it represents a considerable improvement over the bill as it originally passed the House.

Amendment adopted.      Ordered to third reading.

**HB 834**

relative to allowing members of standing and interim com-

mittees mileage for attending meetings. Ought to pass with amendment. Sen. Trowbridge for the Committee.

### AMENDMENT

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 Legislative Mileage Allowances. Amend RSA 14:16-a by striking out said section and inserting in place thereof the following:

14:16-a Special Mileage Allowances. Any member of the general court, including but not limited to a member of permanent standing committees, who is on business of the legislature in Concord when the general court is not in session shall receive mileage payments at the legislative mileage rate. Such member on business of the legislature in a place in the state other than Concord when the general court is not in session shall receive mileage payments from his home to said place other than Concord at the same rate as paid to state employees.

Sen. TROWBRIDGE: Mr. President, for some time we have been providing in bills that when there are committees at interim, certain committees get legislative mileage and certain committees do not. This House bill recommended that all legislators on public business get mileage. We found that there was some problem with that because when you travel around just for a discussion in Keene you might try to get legislative mileage. So this bill says that whenever anybody comes to Concord for a meeting of the Interim Committee you would automatically get legislative mileage. If you go somewhere else you would get the standard state employee mileage.

Amendment Adopted.      Ordered to third reading.

### HB 716

to codify the Uniform Partnership Act. Ought to pass with amendment. Sen. Bradley for the Committee.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

to codify the uniform partnership act and relative  
to the uniform gifts to minors act.

Amend section 3 of the bill by striking out the same and inserting in place thereof the following:

3 Uniform Gifts to Minors. Amend RSA 463-A:9 by inserting after paragraph II the following new paragraph:

III. Notwithstanding the provisions of RSA 21:44 and RSA 21-B, in construing this chapter, the provisions of RSA 463-A:1 relative to the definition of "adult" and "minor" shall apply.

4 Effective Date. Section 3 of this act shall take effect June 3, 1973 and the remainder of this act shall take effect sixty days after its passage.

Sen. BRADLEY: Mr. President, this bill would enact in New Hampshire a uniform partnership act. This is a uniform law like others that have been proposed by the officials on uniform state laws. It is one of the older uniform laws.

Amendment Adopted. Ordered to third reading.

**HB 987**

relative to the alternate salary of special justices of district courts. Ought to pass with amendment. Sen. Bradley for the Committee.

## AMENDMENT

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Application. Any local governing body which has voted to pay a special justice of a district court twenty dollars for each day or part thereof, pursuant to the provisions of RSA 502-A:6, II as it existed prior to the effective date of this act shall, after the effective date of this act, pay said special justice fifty dollars per day or part thereof.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. BRADLEY: Mr. President, this bill as amended would simply provide that special judges who sit with the regular district court judges when they are not available shall be paid \$50.

Amendment Adopted.      Ordered to third reading.

**HB 608**

relative to revision of existing statutes which constitute misdemeanors and felonies under the provisions of the criminal code. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, the following six bills are pretty much package bills. These bills are necessary because of the adoption of the criminal code. The criminal code will go into effect in November 1 of this year and these are all provisions necessary to integrate the code into the statute. The first four bills are all simply translating the criminal code penalties and their terminology in relation to the present statutes. These bills only carry out the criminal code which is already adopted. And the report of the commission who studied the criminal code.

Sen. BOSSIE: Was there significant support for these bills from the Attorney General's office?

Sen. BRADLEY: Yes there was. And we received a federal grant for the purpose of doing this.

Adopted.      Ordered to third reading.

**HB 609**

relative to revision of existing statutes imposing only fines above one hundred dollars which constitute misdemeanors for natural and any other persons, and above two hundred dollars constitutes a felony for any other persons under the provisions of the criminal code. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, my remarks from the last bill cover this bill.

Sen. GREEN: In all these bills, does it in any way change the definition as they become effective in November?

Sen. BRADLEY: No. There are designated fines for misdemeanors and felonies that are not changed.

Sen. GREEN: Then as they try to identify these particular situations will they be compatible with this. Is there a difference in terms of the fines identified by these acts? Will they be the same or compatible?

Sen. BRADLEY: They are all going to be compatible with the criminal code.

Adopted.      Ordered to third reading.

#### **HB 610**

relative to revisions of existing statutes imposing fines over fifty and not more than one hundred dollars which constitute violations for natural persons and misdemeanors for any other persons under the provisions of the criminal code. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, the same contents as before except for a different category.

Adopted.      Ordered to third reading.

Sen. McLaughlin moved that we recall HB 577 from the Governor's office.

Sen. MCLAUGHLIN: We have been informed this morning that the section that this refers to has been deleted in a previous bill that we've already passed.

Sen. SPANOS: Sen. McLaughlin, what is HB 577?

Sen. MCLAUGHLIN: Repealing certain provisions relative to cruelty to children and child care agency.

Adopted.

Sen. McLaughlin moved that HB 577 be placed on second reading at this time and be recommitted to the committee on Public Health and Welfare and State Institutions.

Adopted.

### **SUSPENSION OF RULES**

Sen. McLaughlin moved that the rules of the Senate be so far suspended as to allow introduction of a committee report without the necessary notice in the Journal.

Adopted.

#### **HB 390**

providing for the care and treatment of children with end-stage kidney disease and making an appropriation therefor. Ought to pass. Sen. McLaughlin for the Committee.



Sen. MCLAUGHLIN: This bill provides for an expenditure of \$200,000 for kidney disease and it's for in-state residents. We would like to have this go to Finance.

Sen. FOLEY: Mr. President, I rise in support of this bill. This is the legislative bill that the women in the legislature voted unanimously to support this year.

Adopted. Referred to Finance.

Sen. S. Smith moved that the rules of the Senate be so far suspended as to allow introduction of a committee report on HB 542 without the necessary notice in the Journal.

Adopted.

#### **HB 642**

changing the name of the Belknap County recreational area and commission; increasing the compensation of the members of the commission and increasing the amount of earnings which may be retained by the commission. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, HB 642 is an act changing a name of the Belnap County Recreational Area and Commission. It increases the compensation of the members and increases the amount of earnings that may be retained by the commission. Senator Gardner and I held a hearing yesterday on this bill and it passed the House and it was strongly recommended.

Adopted. Ordered to third reading.

The CHAIR: The Chair appoints as conferees on the committee of Conference on HB 182 Sens. Ferdinando, Bossie and Provost.

#### **COMMITTEE REPORTS (Continued)**

#### **HB 611**

revising statutes outside the criminal code imposing fines of fifty dollars or less which under the code constitute violations. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill falls in the same category as the previous three.

Adopted. Ordered to third reading.

Sen. Lamontagne moved that the Senate reconsider their action on HJR 12.

Sen. DOWNING: Senator Lamontagne, can you explain what this is?

Sen. LAMONTAGNE: This is in reference to the appropriation that the Finance committee came in with a report ought to pass, to reimburse the towns of Pittsburg and Clarkesville in lieu of taxes for the Murphy Dam.

Sen. SPANOS: Do I understand you correctly that you want the Senate to vote "no" on reconsideration?

Sen. LAMONTAGNE: That's correct.

Sen. JACOBSON: Mr. President, as I have opposed this bill, I would be glad to vote no on this motion for reconsideration.

Motion lost.

### HB 703

to transfer or repeal all of title LVIII (crimes and offenses) except chapters 570-A, 571-B, and 585 and to rename the title. Ought to pass with amendment. Sen. Bradley for the Committee.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### AN ACT

to transfer or repeal all of title LVIII (crimes and offenses) except Chapters 570-A, 571-B and 585 and to change its title;  
and to permit the courts to provide for psychiatric examinations by other physicians than those  
at the New Hampshire Hospital.

Amend the bill by striking out section 28 and inserting in place thereof the following:

28 Psychiatric Examination of Person Awaiting Trial.  
Amend RSA 135:17 (supp) as amended, by striking out said section and inserting in place thereof the following:

135:17 Commitment for Observation. When a person is

indicted for any offense, or is bound over by any district or municipal court to await the action of the grand jury, the superior court before which he is to be tried, if a plea of insanity is made in court, or said court is notified by either party that there is a question as to the sanity of the respondent, may make such order for a pre-trial psychiatric examination by a psychiatrist on the staff of any public institution or by a private psychiatrist of such person as the circumstances of the case may require, which order may include, though without limitation, examination at the New Hampshire Hospital or an in- or out-patient basis, the utilization of local mental health clinics on an in- or out-patient basis, or the examination of such person, should he be incarcerated for any reason, at his place of detention by psychiatrists assigned to a state or local mental health facility.

29 Psychiatric Examination of Possible Dangerous Sexual Offender. Amend RSA 173-A:3, (I), (supp) as inserted by 1969, 443:1 by striking out the portion of said paragraph before subparagraph (a) and inserting in place thereof the following:

I. When Required. Whenever a person is convicted of one or more of the following sex offenses: unnatural and lascivious act, bestiality, sodomy, enticing female child, rape, except in the case of rape where the woman is under the age of sixteen and carnal copulation is without force and not against her will, or any attempt to commit such offenses, the convicting court shall, prior to sentencing, order a psychiatric examination and evaluation by a psychiatrist on the staff of any public institution or by a private psychiatrist of such person as the circumstances of the case may require, which order may include, though without limitations, examination at the New Hampshire Hospital on an in- or out-patient basis, the utilization of local mental health clinics on an in- or out-patient basis, or the examination of such person, should he be incarcerated for any reason, at his place of detention by psychiatrists as signed to a state or local mental health facility, provided that such examination and evaluation take not more than ninety days. However, the defendant, with the court's permission, may waive such observation and examination. Whenever a person is convicted of one or more of the following sex offenses: incest, rape when the woman is under the age of sixteen and carnal copulation is without force and not against her will, or is convicted more than once for lewdness or indecent exposure, or any attempt to commit such offenses, the

convicting court may in its discretion, prior to sentencing order a psychiatric examination and evaluation of such person pursuant to the provisions set forth above, provided that such examination and evaluation take not more than ninety days. The examining agency may require the cooperation of any state agencies in obtaining and furnishing information. It may also require any agency, public or private, to furnish copies of any information or records in the possession of such agency, without court order and notwithstanding any other provisions of the law as to the use or availability of such information or records. Prior to the end of ninety days, the examining physician shall file a report with the committing court to include one of the following conclusions:

30 Providing for Recommendation of Confinement in Mental Health Facility. Amend RSA 173-A:3, (I), (a), (supp) as inserted by 1969, 443:1 by inserting in line three after the word "continued" the following (or that such person be confined in a mental health facility) so that said subparagraph as amended shall read as follows:

(a) That said person is not considered to be a dangerous sexual offender but that he is in need of and amenable to psychiatric treatment and that hospital confinement be continued or that such person be confined in a mental health facility until further order of the court, or until expiration of the maximum time for which said person is sentenced.

31 Hearing Petition. Amend RSA 173-A:3, (II), (a), (supp) as inserted by 1969, 443:1 by striking out in lines one and two the words "superintendent of the New Hampshire Hospital" and inserting in place thereof the following (examining physician) so that said subparagraph as amended shall read as follows:

(a) In the event that the examining physician concludes that there is psychiatric and/or psychological evidence suggesting that the person examined might be a dangerous sexual offender, the committing court may at its discretion act on the report and may direct the county attorney to file a petition on the basis of said report including such facts as he may have available requesting the court to conduct an inquiry into the condition of such person.

32 Hearing. Amend RSA 173-A:4, II, by striking out in



line one the words "physicians of the New Hampshire Hospital" and inserting in place thereof the following (physician or physicians) so that said paragraph as amended shall read as follows:

II. The physician or physicians who made the examination may be present at the hearing and may be called on to testify as to the result of their examination and to any other pertinent facts within their knowledge. The county attorney shall appear for the state and cause witnesses to be subpoenaed, if necessary, in support of the report.

33 Effective Date. This act shall take effect November 1, 1973.

Sen. BRADLEY: Mr. President, this is another bill relating to the criminal code. It's mainly housekeeping. There is an amendment of substance which is printed on page 39 of today's Calendar. The amendment simply allows that a judge when he is ordering a person in a criminal case for psychiatric examination, that he can order him to places other than New Hampshire Hospital. The statute now confines the judge to condemn only to New Hampshire Hospital and this would loosen this up. The bill itself simply carries out the recommendations of the commission that studied the criminal code.

Amendment Adopted. Ordered to third reading.

### HB 1015

transferring and repealing existing criminal statutes as proposed by the recodification committee, and making technical amendments to statutes so that they conform to the criminal code. Ought to pass with amendment. Sen. Bradley for the Committee.

### AMENDMENT

Amend 651:45-a, as inserted by section 38 of the bill, by striking out in lines two and three the following (in the first degree) so that said section, as amended, shall read as follows:

651:45-a Eligibility for Release; Life Sentences. A prisoner serving a sentence of life imprisonment, except one convicted of murder which was psycho-sexual in nature, may be given a like permit at any time after having served eighteen years which shall be deemed the minimum term of his sentence for the pur-



poses of this section, minus any credits earned under the provisions of RSA 651:55-a, 55-b and 55-c, provided it shall appear to said board to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen.

Amend 651:45-b, as inserted by section 38 of the bill, by striking out in line three the following (in the first degree) so that said section, as amended, shall read as follows:

651:45-b Eligibility for Parole; Persons Convicted of Psycho-sexual Murder. A prisoner serving a sentence of life imprisonment who has been convicted of murder which was psycho-sexual in nature shall not be eligible for parole until he shall have served forty years minus any credits earned under the provisions of RSA 651:55-a, 55-b and 55-c and until the board shall recommend to the superior court that said prisoner should be released on parole. The superior court shall have a hearing on the recommendation of the board at which all interested parties, including the attorney general, may appear and present evidence. If it shall appear to the superior court after said hearing that there is a reasonable probability that the prisoner will remain at liberty without violating the law and will conduct himself as a good citizen, the court may order him released on parole with such conditions as it may deem just.

Amend 651:45-c, as inserted by section 38 of the bill, by striking out in line two the following (in the first degree) so that said section, as amended, shall read as follows:

651:45-c Psycho-sexual Murder Certified. Whenever any person is convicted of murder, the presiding justice shall certify, at the time of sentencing, whether or not such murder was psycho-sexual in nature.

Amend the bill by striking out all after section 43 and inserting in place thereof the following:

44 Repeal. RSA 607, as amended, relative to sentence and execution and parole, is hereby repealed.

45 Limitations. Amend RSA 625:8, I, (supp) as inserted by 1971, 518:1, by adding after subparagraph (d) the following new subparagraph:

(e) for an offense defined by RSA 282, six years.

46 Effective Date. This act shall take effect November 1, 1973.

Sen. BRADLEY: The amendment in this case has very little substance. It simply strikes out four words which are no longer relevant in the criminal code. This would bring the statutes in line with the criminal code.

Amendment Adopted.      Ordered to third reading.

Sen. Blaisdell moved that HB 387 be laid on the table.

Adopted.

### **HB 829**

relative to doping and stimulating animals at equine events. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, this bill changes the statutes in relation to doping and stimulating animals in swimming contests. What it does is it changes the word throughout the statutes to equine events and in chapter one it defines the term equine events.

Adopted.      Ordered to third reading.

### **HB 763**

relative to the authority of the director to close the season for hunting and taking deer. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, under the present statutes the director of the Fish and Game in order to close the state to hunting or taking deer at the present time it has to be a majority of the commission. This bill changes it so it will be the unanimous vote in order to close the season.

Adopted.      Ordered to third reading.

### **HB 612**

imposing an inspection fee on fertilizer and providing a category for special mixed fertilizer. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, this bill permits special mixed fertilizers done without a registration fee. These are small orders to satisfy certain soils to test by the Department of Agriculture. The Department feels that they should no longer

charge these fees because they are of such small amounts. To make up for losses this bill gives them the right to set an inspection fee on each pound of fertilizer sold in the state. These new fees will be paid by rules and regulations of the department. The system whereby they can charge these fees are already in the statutes.

Adopted.      Ordered to third reading.

**HB 911**

prohibiting the use of outboard motors of more than six horsepower on the Merrymeeting River. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, HB 911 prohibits the use of the operation of boats with petroleum motors in excess of six horse power upon the waters of the Merrymeeting River.

The committee heard testimony from the Director of Safety Services, from the Fish and Game Department and everyone was in agreement that this was good legislation.

Adopted.      Ordered to third reading.

**HB 388**

relative to conducting aerial photographic surveys and obtaining aerial photographs and making an appropriation therefor. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this act provides an appropriation in the amount of \$25,000 to be authorized for the fiscal year June 30, 1974 for the purpose of conducting aerial surveys.

Adopted.      Referred to Finance.

**HB 928**

relative to the sale of fresh water fish raised outside of the state. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this act would require that any fresh water fish from outside of the state that are brought in and are to be consumed within the state shall be so marked with their place of origin.

Adopted.      Ordered to third reading.

**HB 937**

relative to abusive treatment of horses. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this bill simply adds the words horses to the statutes. This gives authority to such agencies such as the S.P.C.A. It was indicated at the hearing that there are over 30,000 horses in New Hampshire and perhaps up to one half are neglected in some respect and this legislation should correct that situation.

Adopted.      Ordered to third reading.

#### **HB 1017**

relative to hunting in special designated areas by certain disabled persons. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: The prior law limited the areas to be hunted to over-populated deer areas and this bill would allow these disabled hunters to hunt anywhere where deer hunting is permitted.

Sen. LAMONTAGNE: Mr. President, I am very much in favor of the committee report as it is being presented to the committee today. I feel that it is really worthwhile and I am sure that we have quite a few disabled persons who would appreciate this.

Adopted.      Ordered to third reading.

#### **HB 948**

relative to dog training and permits issued therefor. Ought to pass as amended. Sen. Brown for the Committee.

#### **AMENDMENT**

Amend RSA 207:12-a, II, as inserted by section 1 of said bill by striking out said paragraph and inserting in place thereof the following:

II. Permits issued pursuant to this section shall contain information pertaining to the breed of dogs to be trained, the township and location where training is to take place, the days of the week, and times in which training will take place. Prior to each training session or sessions, any person, organization or association conducting training sessions under a permit issued pursuant to this section shall notify the area conservation officer prior to the conducting of such training sessions, specifying the time and location where such training session is to take place. However, members of a bona fide log club that maintains and

stocks a specific area or club grounds for the training of dogs or conducting of field trials, and whose right to use said land for this purpose is derived through ownership, lease or club-land owner agreement, shall not be required to notify the area conservation officer at any time when the club facilities are to be used for training. Use of club grounds by members thereof shall be governed by club by-laws.

Sen. BROWN: Mr. President, HB 948 allows residents licensed to hunt to obtain a training permit to train bird dogs and trail hounds during closed season on game for a fee of two dollars. It also allows a nonresident, who's a bona fide member of the dog or hound club located in the state, to train a dog with a fee equal to the fee for a resident hunting license and a two dollar training fee. They must not carry a revolver larger than a twenty-two caliber loaded only with blanks and only as so clearly stated on the application. The committee amendment takes out the part that the conservation office has to be notified provided it's at a bona fide hound club and used only for that purpose.

Amendment Adopted.      Ordered to third reading.

#### RECESS

#### OUT OF RECESS

#### SPECIAL ORDER OF BUSINESS 1:01

#### HB 384

to reclassify the Blackwater River. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill that would reclassify the Blackwater River from Class B to Class A. The water is believed to be of Class A quality and it is the desire of the people who live along this river particularly in the towns of Andover, Wilmot and Webster to be able to preserve the quality of their water. If it remains Class B water discharges will in the future be able to be put into the head waters.

Sen. BROWN: Can you tell me how long the Blackwater River is?

Sen. BRADLEY: I can't be precise but it runs the length of three towns so it's about 15 or twenty miles.

Sen. BROWN: I rise in opposition to the committee report. This river is classified B which makes it great for boating



and recreation. The northern part of the river is so clean that it could be considered Class A water.

Adopted.      Ordered to third reading.

### HOUSE MESSAGES ENROLLED BILLS REPORT

HB 270, relative to county elections.

HB 622, relative to statement of expenditures requested by the budget committee.

HB 38, authorizing the real estate commission to expend from examination fees whatever sums are necessary to hire a testing service.

SB 102, to delete reference to federal funds being applied to reimburse the state.

SB 117, establishing a minimum penalty for driving without a license.

SB 128, relative to recess of a jury in deliberation.

SB 163, relative to real estate investments by cooperative banks, building and loan associations and savings and loan associations.

SB 171, relative to limitations on the lending authority of savings banks.

SB 208, legalizing the Marlow town meeting of March 6, 1973.

SB 238, changing the name of the Berlin Wayside Area in the capital appropriations of 1971.

Sen. Provost  
*For The Committee*

### SUSPENSION OF RULES

Sen. Bradley moved that the rules of the Senate be so far suspended as to allow HJR 32 to be placed on second reading at this time without the necessary notice in the Journal.

Adopted.

#### **HJR 32**

establishing an interim study committee to study an administrative procedure act and draft a legislative proposal and making an appropriation therefor. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, we held a hearing on this and this is a measure that would set up a study committee to study the necessity and desirability of having an administrative procedures act. There would be a companion bill that would take the first step toward accomplishing this.

Every other state has made great strides in this field of having administrative rules and regulations systematically compiled and indexed. The state of New Hampshire is still twenty or thirty years behind. These two bills would be a step in that direction. I urge its passage.

Adopted. Referred to Finance.

Sen. Bradley moved that the rules of the Senate be so far suspended as to allow HB 503 to be placed on second reading at this time waiving notice in the Journal.

Adopted.

### **HB 503**

establishing an administrative procedures act and making an appropriation therefor. Ought to pass with amendment. Sen. Bradley for the Committee.

### **AMENDMENT**

Amend RSA 541-A:5, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. The director of legislative services shall compile, index, and publish, or require the promulgating agency to publish, in uniform looseleaf form as determined by him all effective rules adopted by each agency. Compilations shall be supplemented or revised as often as necessary, and the director of legislative services may publish the supplemented or revised compilation as often as necessary.

Amend sections 3, 4 and 5 of the bill by striking out said sections and inserting in place thereof the following:

3 Appropriation. The sum of \$55,774 is appropriated for fiscal 1974 and the sum of \$52,774 is appropriated for fiscal 1975 to the director of legislative services in addition to any other sums appropriated to said office to be expended to implement the administrative procedures act as inserted by section 1 of this act, as follows:

	FY 1974	FY 1975
Permanent personal services:	\$22,720	\$22,720
Benefits	2,045	2,045
Equipment	3,000	
Rent	3,000	3,000
Current expense	5,000	5,000
Printing and binding	20,000	20,000
Totals	\$55,765	\$52,765

4 Filing of Existing Rules. Notwithstanding the effective date of RSA 541-A as inserted by section 1 of this act, the filing of rules existing on the effective date of this act under RSA 541-A:4, I, is not required to be completed until July 1, 1974, but filing of such rules shall be commenced as soon as possible after the effective date of this act. Any rule existing on the effective date of this act which is not filed with the director of legislative services by January 1, 1974 has no force or effect after January 1, 1974.

5 Compilation of Rules by Director of Legislative Services. Notwithstanding the effective date of RSA 541-A as inserted by section 1 of this act, the director of legislative services is not required to complete the original compilation of rules required under RSA 541-A:5 until July 1, 1975.

6 Effective Date. This act shall take effect sixty days after its passage.

Sen. BRADLEY: Mr. President, this is the bill I referred to. This actually takes the first step in starting to set up through Arthur Marx's office the various rules and regulations of the state agencies.

The bill in its original form had the appropriation in it. The House on their last day for some reason took the appropriation out. There's no way that the bill will work without the appropriation.

Amendment Adopted.      Referred to Finance.

#### COMMITTEE REPORTS (Continued)

##### HB 888

making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975. Ought to pass with amendment. Sen. Trowbridge for the Committee.

Amend section 3, III of the bill by striking out the line "Total \$3,282,447\*\* \$3,730,523\*\*" and inserting in place thereof the following

Total	<u>\$3,282,447</u>	<u>\$3,730,523</u>
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Further amend section 3, III of the bill by striking out the footnote "\*\* No port of this appropriation shall be expended to establish or operate trace, a state criminal justice data and information center."

Amend section 3, VI of the bill by striking out the same and inserting in place thereof the following:

#### VI Office of comprehensive planning:

##### Personal services:

Permanent	\$166,598	\$170,157
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Other	98,310	99,079
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Current expenses	15,000	15,500
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##### Travel:

In state	3,800	3,800
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Out of state	4,600	4,600
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Equipment	3,882	515
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##### Other expenditures:

Contractual expenses	284,000*	284,000*
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Project inspection fees	3,000	3,000
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Benefits	22,721	23,111
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##### Grants:

Regional assistance	320,000**	320,000**
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N. E. river basins commission	22,900	22,900
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Community planning assistance	10,000	10,000
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Total	<u>\$955,311</u>	<u>\$956,662</u>
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Estimated source of funds for office of  
comprehensive planning:

Federal	\$548,600	\$548,200
New England regional commission	26,500	.....
General	380,211	408,462
Total	<u>\$955,311</u>	<u>\$956,662</u>

\*No portion of this appropriation shall be expended for consultants employed in state service.

\*\*This appropriation shall be for the six regional planning areas and may not be transferred or expended for any other purpose.

Further amend section 3 of the bill by striking out the lines "Total for executive office \$7,261,539 \$7,711,905, Estimated source

of funds for executive office: Federal \$6,188,619 \$6,651,619, Other 26,500 — , General 1,046,420 1,060,286, Total

\$7,261,539 \$7,711,905" and inserting in place thereof the following:

Total for executive office

	<u>\$7,273,987</u>	<u>\$7,724,353</u>
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Estimated source of funds for executive office:

Federal	\$6,188,619	\$6,651,619
Other	26,500	.....
General	1,058,868	1,072,734
Total	<u>\$7,273,987</u>	<u>\$7,724,353</u>



Amend section 4, V of the bill by striking out the same and inserting in place thereof the following:

V Indigent defendants:			
Grants	<u>\$235,000</u>	<u>\$265,000</u>	
Total			<u>\$265,000</u>
Estimated source of funds for indigent defendants:			
General	<u>\$235,000</u>		<u>\$265,000</u>

Further amend section 4, VI, (b), (1) of the bill by striking out the same and inserting in place thereof the following:

(b) Building and grounds:			
(1) General buildings:			
Personal services:			
Permanent	\$349,284	\$353,334	
Other	5,000	5,000	
Current expenses	193,000	201,000	
Travel:			
In state	350	350	
Out of state	....	....	
Equipment	4,550	950	
Other expenditures:			
Make ready legislative areas	....	4,000	
Benefits	31,886	32,250	
Total	<u>\$584,070</u>	<u>\$596,884</u>	

Estimated source of funds for general buildings:			
General	<u>\$584,070</u>	<u>\$596,884</u>	
Further amend section 4, VI, (b), (3) of the bill by striking out the line "Current expenses 118,695 123,766" and inserting in place the following:			
Current expenses	148,695	153,766	
Further amend section 4, VI, (b), (3) of the bill by striking out the lines "Total \$192,945 \$200,524, Estimated source of funds for health lab building: General \$192,945 \$200,524" and inserting in place thereof the following:			
Total	<u>\$222,945</u>	<u>\$230,524</u>	
Estimated source of funds for health lab building:			
General	<u>\$222,945</u>	<u>\$230,524</u>	
Further amend section 4, VI, (b) of the bill by inserting after paragraph (3) the following new paragraph:			
(4) Tax building:			
personal services:			
Permanent	\$14,122	\$14,504	
Current expenses	10,000	10,000	
Other expenditures:			
Benefits	<u>1,271</u>	<u>1,305</u>	
Total	<u>\$25,393</u>	<u>\$25,809</u>	

## Estimated source of funds for tax building:

General	\$25,393	\$25,809
<hr/>		
Further amend section 4, VI (b) by striking out the lines "Total \$940,954 \$966,082, Estimated sources of funds for buildings and grounds:		
Highway \$159,579 \$164,522, General 781,375 801,530, Total \$940,954 \$966,082" and inserting in place thereof the following:		
Total	\$991,987	\$1,017,769
<hr/>		
Estimated source of funds for buildings and grounds:		
Highway	\$159,579	\$164,552
General	832,408	853,217
Total	\$991,987	\$1,017,769

Further amend section 4, VI, (c) of the bill by striking out the lines "Other personal services: Permanent 13,074 13,104" and inserting in place thereof the following:

Other personal services:		
Permanent	17,911	18,091
<hr/>		
Further amend section 4, VI, (c) of the bill by striking out the lines "Other expenditures: Benefits 2,424 2,426" and inserting in place thereof the following:		
Other expenditures:		
Benefits	2,859	2,875

Further amend section 4, VI, (e) of the bill by striking out the lines "Total \$49,250\* \$39,437, Estimated source of funds for records management and archives: Federal-revenue sharing \$6,000 \$ —, General 43,250 39,437, Total 49,250 39,437" and inserting in place thereof the following:

Total	<u>\$54,522</u>	<u>\$44,873</u>
Estimated source of funds for records management and archives:		
General	<u>\$54,522</u>	<u>\$44,873</u>

Further amend section 4, VI, (e) of the bill by striking out the footnote at the end of the paragraph.

Further amend section 4, VI of the bill by striking out the lines "Total \$1,807,438 \$1,706,072, Estimated source of funds for administration and control programs: Federal-revenue sharing \$6,000 —, Highway \$159,579 \$164,552, General 1,641,859 1,541,620, Total \$1,807,438 \$1,706,072" and inserting in place thereof the following:

Total	<u>\$1,863,743</u>	<u>\$1,763,195</u>
Estimated source of funds for administration and control programs:		
Highway	\$159,579	\$164,552
General	<u>1,704,164</u>	<u>1,598,643</u>
Total	<u>\$1,863,743</u>	<u>\$1,763,195</u>

Further amend section 4 of the bill by striking out the lines "Total for administration and control \$2,707,861" and inserting in place thereof the following:

Total for administration and control	\$2,799,166	\$2,717,250
Estimated source of funds for administration and control:		
Federal-revenue sharing	\$159,579	\$164,552
Highway	244,578	226,529
Other	2,395,009	2,326,169
General		
Total	\$2,799,166	\$2,717,250

Amend section 6 of the bill by striking out the same and inserting in place thereof the following:

	FISCAL 1974	FISCAL 1975
6 Personnel department:		
Salary of director	\$20,217	\$20,244
Salary of deputy director	17,036	17,460
Other personal services:		
Permanent	150,641	152,856
Other	8,923	9,001
Current expenses	31,965	31,965
Travel:		
In state	2,980	2,980
Out of state	900	900
Equipment	6,786	1,455



Other expenditures:			
Benefits	15,686	16,265	
Total for personnel department			\$253,126
Estimated source of funds for personnel department:			
Transfers from grant-in-aid agencies	\$30,900*		\$30,800*
Revenue from municipal examinations	1,000**		1,000**
General	223,184		221,326
Total	\$255,084		\$253,126
*Transfers from grant-in-aid agencies in excess of estimates may be expended upon prior approval of the governor and council.			
**Revenue in excess of the estimate resulting from municipal examination may be expended with prior approval of the governor and council.			
Amend section 7, I of the bill by striking out the lines "Other 3,500f —, Current expenses 21,500 18,000" and inserting in place thereof the following:			
Other	3,500g	....	
Current Expenses	23,500	20,000	
Further amend section 7, I of the bill by striking out the lines "Total \$172,613 \$158,532, Estimated source of funds for office of the secretary: Photostat revenue \$3,000* \$3,000*, General 169,613 155,432, Total \$172,613 \$158,432" and inserting in place thereof the following:			
Total	\$174,613		\$160,432

## Estimated source of funds for office of

## the secretary:

Photostat Revenue  
General

	\$3,000*	\$3,000*
	171,613	157,432
Total	\$174,613	\$160,432

Further amend section 7 of the bill by striking out the lines "Total for secretary of state \$369,613 \$228,432, Estimated source of funds for secretary of state: Other \$3,000, General 366,613 255,432, Total \$369,613 \$288,432" and inserting in place thereof the following:

## Total for secretary of state:

	\$371,613	\$230,432
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## Estimated source of funds for

## secretary of state:

Other  
General

	\$3,000	\$3,000
	368,613	227,432
Total	\$371,613	\$230,432

Amend section 8 of the bill by striking out the same and inserting in place thereof the following:

## FISCAL 1974

## FISCAL 1975

## 8 State library:

## I Central library services:

Salary of librarian  
Salary of assistant librarian

	\$16,107	\$16,107
	13,911	13,988

Other personal services:			
Permanent	54,406	55,097	
Other	....	....	
Current expenses	12,820	12,820	
Travel:			
In state	700	700	
Out of state	650	650	
Equipment	25,071	24,580	
Other expenditures:			
Grants to institutional libraries	....	....	
Benefits	7,598	7,667	
Total			\$131,609
			=====
Estimated source of funds for central library services:			
Federal			\$ .....
General			131,609
Total			=====
			\$131,609
			=====
II Community library services:			
(a) Cooperative services:			
Personal services:			
Permanent	\$5,838	\$5,838	
Other expenditures:			
Benefits	496	496	
Total			\$6,334
			=====

Estimated sources of funds for cooperative

services:

General

\$6,334

\$6,334

(b) Specific group services:

Personal services:

Permanent

\$338,872

Other

1,100

Current expenses

45,773

Travel:

In state

5,300

Out of state

900

Equipment

94,890

Other expenditures:

Benefits

30,591

\$342,956  
1,200  
45,598  
5,300  
950  
91,479  
30,974

Total

\$517,426

\$518,457

Estimated source of funds for specific

group services:

Federal

\$....

Revenue from Maine and Vermont

17,500

General

499,926

\$....  
17,500  
500,957

Total

\$517,426

\$518,457

Total

\$523,760

\$524,791

Estimated source of funds for community

library services:

Other

General

\$17,500

506,260

\$17,500

507,291

Total

\$523,760

\$524,791

Total for state library

\$655,023

\$656,400

Estimated source of funds for state library:

Other

General

\$17,500

637,523

\$17,500

638,900

Total

\$655,023

\$656,400

Amend section 9, II, (a) by striking out the same and inserting in place thereof the following:

II Revenue collections:

(a) Business profits tax:

Unclassified

Personal services:

Permanent

Other

Current expenses

Travel:

In state

Out of state

Equipment

\$45,908

255,912

20,000

65,000

15,000

10,000

15,000

\$47,991

264,546

20,000

65,000

15,000

10,000

3,100



Other expenditures:			
CDP	20,000d	20,000d	
Benefits	28,716	29,568	
Total	<u>\$475,536</u>		<u>\$475,205</u>
Estimated source of funds for business profits tax:			
General	\$475,536		\$475,205
Further amend section 9 by striking out all in said section after II, (d) and inserting in place thereof the following:			
Total	<u>\$828,467</u>		<u>\$751,271</u>
Estimated source of funds for revenue collections:			
Other	\$134,139		\$135,184
General	694,328		616,087
Total	<u>\$828,467</u>		<u>\$751,271</u>
Total for tax commission	<u>\$1,861,757*</u>		<u>\$1,779,519*</u>
Estimated source of funds for tax commission:			
Other	\$140,139		\$141,184
General	1,721,628		1,638,335
Total	<u>\$1,861,767</u>		<u>\$1,779,519</u>

\*Cost records shall be maintained of all actual costs applicable to services performed for local communities by the tax commission relative to audits and appraisals. Said actual costs shall be billed to local communities on a monthly basis prior to the tenth day of the succeeding month.

Amend section 10 of the bill by striking out the same and inserting in place thereof the following:

10 State treasury:

I Receipt and disbursement of funds:

Salary of treasurer	\$23,495	\$23,495
Salary of deputy treasurer	16,803	16,833
Other personal services:		
Permanent	178,349	180,727
Other	2,263	2,263
Current expenses	31,000	32,500
Travel:		
In state	100	100
Out of state	650	650
Equipment	24,000	1,500
Other expenditures:		
Data processing services	13,998d	13,998d
Head tax expense	200	200
MICR reader/sorter	18,000	18,000
Benefits	19,087	19,417
Total	\$327,945	\$309,683

Estimated source of funds for receipt and

disbursement of funds:

General

\$327,945	\$309,683
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II Retirement division:		
Salary of assistant to state treasurer	\$13,988	
Other personal services:		
Permanent	95,770	
Other	550	
Current expenses	12,000	
Travel:		
In state	900	
Equipment	900	
Other expenditures:		
Hospitalization & group life insurance	64,000	
Accrued liability	569,770	
Normal contribution	1,570,557	
Data processing services	69,474d	
Consulting services	1,600	
Benefits	8,389	
Total	\$2,407,898	\$2,577,914
Estimated source of funds for retirement division:		
Administrative cost to political subdivisions	\$34,200	\$37,700
General	2,373,698	2,540,214
Total	\$2,407,898	\$2,577,914

III Trust funds:

Agricultural college fund  
Hamilton Smith fund  
Benjamin Thompson fund

\$4,800  
400  
31,900

\$4,800  
400  
31,900

Total

\$37,100

\$37,100

Estimated source of funds for trust funds:

General

\$37,100

\$37,100

Total for state treasury

\$2,772,943

\$2,924,697

Estimated source of funds for state treasury:

Other

\$34,200

\$37,700

General

2,738,743

2,886,997

Total

\$2,772,943

\$2,924,697

Amend section 11, IV, (a) of the bill by striking out the line "Current expenses 2,500 2,750" and inserting in place thereof the following:

Current expenses

2,500\*\*

2,750

Further amend section 11, IV, (a) of the bill by inserting after the existing footnote the following new footnote:

\*\*The balance in this appropriation at June 30, 1974 shall not lapse, but shall be expended solely for the expenses of preparing the 15th biennial report of the Judicial Council in fiscal 1975.

Further amend section 11, IV, (b) of the bill by striking out the line "Personal services: Permanent \$8,771\* \$8,771\*" and inserting in place thereof the following:

Personal services:  
Permanent

	\$10,771*	\$10,771*	
Further amend section 11, IV, (b) of the bill by striking out all after the line Indexing of judicial council reports 5,667			— and
inserting in place thereof the following:			
Benefits	969		
Total	\$64,240**	\$36,156**	
Estimated source of funds for administrative committees — district and municipal courts:			
Transfer from crime commission	\$45,000	\$20,000	
General	19,240	16,156	
Total	\$64,240	\$36,156	

\*Within this appropriation, \$7,000 shall be for the salary of the executive secretary.

\*\*Within this appropriation the sum of \$6,000 for fiscal year 1974 and the sum of \$2,666 for fiscal year 1975 is provided for the express purpose of satisfying federal matching requirements for LEAA grants allocated through the Governor's Commission on Crime and Delinquency.

Further amend section 11, IV of the bill by striking out the lines "Total \$76,845 \$49,011, Estimated source of funds for procedural development and administration: Other \$45,000 \$20,000, General 31,845 29,011, Total \$76,845 \$49,011" and inserting in place thereof the following:

Total	\$79,025	\$51,191
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Estimated source of funds for procedural  
development and administration:

Other	\$45,000	\$20,000
General	34,025	31,191
Total	<u>\$79,025</u>	<u>\$51,191</u>

Further amend section 11 of the bill by striking out the lines "Total \$1,336,992 \$1,302,100, Estimated source of funds for judicial branch: Other \$315,920 \$290,922, General 1,021,072 1,011,178, Total \$1,336,992 \$1,302,100" and inserting in place thereof the following:

Total	<u>\$1,339,172</u>	<u>\$1,304,280</u>
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Estimated source of funds for judicial

branch:

Other	\$315,920	\$290,922
General	1,023,252	1,013,358
Total	<u>\$1,339,172</u>	<u>\$1,304,280</u>

Amend section 13, I of the bill by striking out the line "Promotion 2,500a 2,500a" and inserting in place thereof the following:

Promotion	5,000a	5,000a
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Further amend section 13, I of the bill by striking out all after the line "Benefits 6,415 6,480 and inserting in place thereof the following:

Total	<u>\$243,495</u>	<u>\$240,879</u>
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Estimated source of funds for administration and support:

Transfer from racing commission	\$150,000	\$150,000
General	93,495	90,879
Total	<u>\$243,495</u>	<u>\$240,879</u>

Further amend section 13, V of the bill by striking out the line "Current expenses 12,000 12,000" and inserting in place thereof the following:

Current expenses	22,694	23,114
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Further amend section 13, V of the bill by striking out the following lines "Total \$226,917 \$213,194, Estimated source of funds for the division of animal industries: General \$226,917 \$213,194" and inserting in place thereof the following:

Total	<u>\$237,611</u>	<u>\$224,308</u>
Estimated source of funds for division of animal industry:		
General	<u>\$237,611</u>	<u>\$224,308</u>

Further amend section 13, VI, (b) of the bill by striking out the same and inserting in place thereof the following:

(b) Pesticide control:

Personal services:

Permanent

Current expenses

\$21,152	\$22,234
1,500	1,500

Travel:			
In state	2,070	2,070	
Out of state	200	200	
Equipment	2,900	3,100	
Other expenditures:			
Expense of pesticide control law	2,500a	2,500a	
Benefits	1,916	2,012	
Total	<u>\$32,238</u>		<u>\$33,616</u>
Estimated source of funds for pesticide control:			
General	<u>\$32,238</u>		<u>\$33,616</u>
Further amend section 13, VI of the bill by striking out the lines "Total \$57,500 \$61,346, Estimated source of funds for agricultural regulations programs: General \$57,500 \$61,346" and inserting in place thereof the following:			
	<u>\$68,780</u>		<u>\$70,158</u>
Total	<u>\$68,780</u>		<u>\$70,158</u>
Estimated source of funds for agricultural regulation programs:			
General	<u>\$68,780</u>		<u>\$70,158</u>

Further amend section 13 of the bill by striking out the lines "Total for agriculture \$923,405 \$888,209, Estimated source of funds for agriculture: Federal \$50,671 \$51,679, General 872,734 836,530, Total \$923,405 \$888,209" and inserting in place thereof the following:

Total for agriculture	\$947,879*	\$910,635*
Estimated source of funds for agriculture:		
Federal	\$50,671	\$51,679
Other	150,000	150,000
General	747,208	708,956
Total	\$947,879	\$910,635

\*Other provisions of law notwithstanding, revenue received from: (a) pesticide control law economic poisons; (b) weights and measures inspection fees; and (c) pullorum-typhoid and P.P.L.O. testing shall be deposited with the state treasurer as unrestricted general fund revenue.

Amend section 14, I, (a) of the bill by striking out all after the line "Benefits" and inserting in place thereof the following:

Commission on uniform laws	3,100f	3,100
Continuing legal education	17,000	17,000
Summer intern program	3,400	3,400
Mobil prosecutorial strike force	34,000	34,000
B & M railroad litigation fund	20,000f	....
N. H. — Maine boundary litigation	25,000f	....
Total	\$304,953	\$262,892

Estimated source of funds for administrative:

Transfer from crime commission	\$48,000	\$48,000
Transfer from welfare	16,000	16,000
General	240,953*	198,892*
Total	<u>\$304,953</u>	<u>\$262,892</u>

\*Within this appropriation the sum of \$6,400 for fiscal year 1974 and the sum of \$6,400 for fiscal year 1975 is provided for the express purpose of satisfying matching requirements for LEAA grants allocated through the Governor's Commission on Crime and Delinquency.

Further amend section 14, I of the bill by striking out the lines "Total \$287,892 \$291,171, Estimated source of funds for legal services to state agencies: Transfer from crime commission \$48,000 \$48,000, Transfer from welfare 16,000 16,000, General 223,892 227,171, Total \$287,892 \$291,171" and inserting in place thereof the following:

Total	<u>\$332,892</u>	<u>\$291,171</u>
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Estimated source of funds for legal services

to state agencies:

Transfer from crime commission	\$48,000	\$48,000
Transfer from welfare	16,000	16,000
General	268,892	227,171
Total	<u>\$332,892</u>	<u>\$291,171</u>



Amend section 14, III of the bill by striking out the same and inserting in place thereof the following:

### III Division of criminal justice:

Salaries of seven assistant attorneys

\$130,369

general

\$127,160

Other personal services:

Permanent

38,528

39,412

Current expenses

4,800

4,800

Equipment

3,948

475

Travel:

3,700

3,700

In state

900

900

Out of state

Other expenditures:

Court and sheriff fees

200

200

Benefits

14,912

15,280

N. E. organized crime intelligence  
system

5,034

5,034

Total

\$199,182

\$200,170

Estimated source of funds for division of  
criminal justice:

General

\$199,182

\$200,170

Further amend section 14 of the bill by striking out the lines "Total for attorney general \$720,354 \$710,840, Estimated source of funds for attorney general: Highway \$114,426 \$97,738, Other 64,000 64,000, General 541,928 549,102, Total \$720,354 \$710,840"

and inserting in place thereof the following:

Total for attorney general	\$783,074	\$729,141
Estimated source of funds for attorney general:		
Highway	\$114,426	\$97,738
Other	64,000	64,000
General	604,648	567,403
Total	\$783,074	\$729,141

Amend section 19, IV of the bill by striking out the same and inserting in place thereof the following:

IV Commission on the status of women:

Personal services:		
Other	\$8,000	\$8,000
Current expenses	4,230	4,230
Travel:		
In state	50	50
Other expenditures:		
Benefits	720	720
Total	\$13,000	\$13,000
Estimated source of funds for commission on the status of women:		
General	\$13,000	\$13,000

Further amend section 19 of the bill by striking out the lines "Total for commissions \$123,533 \$124,934, Estimated source of funds for commissions: Highway \$87,358 \$88,889, General 36,175 36,045, Total \$123,533 \$124,934" and inserting in place thereof the following:

Total for commissions	\$131,033	\$132,434
Estimated source of funds for commissions:		
Highway	\$87,358	\$88,889
General	43,675	43,545
Total	\$131,033	\$132,434

Amend section 25, IV of the bill by striking out the same and inserting in place thereof the following:

#### IV N. H. apprenticeship council:

Personal services:		
Permanent	\$14,042	\$23,179
Other	....	....
Current expenses	1,500	1,500
Travel:		
In state	1,200	1,260
Equipment	750	....
Other expenditures:		
Benefits	1,264	2,086
Council expense	200	210
Total	\$18,956	\$28,235

Estimated source of funds for N. H.  
apprenticeship council:

Federal	\$ . . . .	\$ . . . .
General	18,956	28,235
Total	<u>\$18,956</u>	<u>\$28,235</u>

Further amend section 25 of the bill by striking out the lines "Total for labor department \$369,184b \$368,670b, Estimated source of funds for labor department: Federal \$16,710 \$17,405, General 352,474 351,265, Total \$369,184 \$368,670" and inserting in place thereof the following:

Total for labor department \$376,820b \$385,002b

Estimated source of funds for labor  
department:

Federal	\$16,710	\$17,405
General	360,110	367,597
Total	<u>\$376,820</u>	<u>\$385,002</u>

Amend section 26, I of the bill by striking out the same and inserting in place thereof the following:

I Revenue collection:

Salaries of three commissioners	\$65,160	\$65,160
Other personal services:		
Permanent	2,898,461	2,973,079
Other	630,000	630,000
Current expenses	1,310,000	1,400,800

## Travel:

In state	18,000	18,000
Out of state	3,500	3,500
Equipment	425,000	335,000
Other expenditures:		
Contingency fund	25,000f	....
Data processing rent	117,600d	134,400d
Miscellaneous data processing expense	42,200d	42,200d
Benefits	323,426	330,142
Total	\$5,858,347	\$5,932,281

## Estimated source of funds for revenue collection:

Sweepstakes sales	\$100,000	\$100,000
General	5,758,347	5,832,281
Total	\$5,858,347	\$5,932,281

Further amend section 26 of the bill by striking out the lines "Total for liquor commission \$6,026,585\* \$6,068,079\*, Estimated source of funds for liquor commission: Other \$100,000 \$100,000, General 5,926,585 5,968,079, Total \$6,026,585 \$6,068,079" and inserting in place thereof the following:

Total for liquor commission	\$6,194,229*	\$6,270,164*
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Estimated source of funds for liquor

commission:		
Other	\$100,000	\$100,000
General	6,094,299	6,170,164
Total	\$6,194,299	\$6,270,164

Amend section 27 of the bill by striking out the same and inserting in place thereof the following:

	FISCAL 1974	FISCAL 1975
27 Board of probation:		
Salary of director	\$14,732	\$14,792
Personal services:		
Permanent	478,157	485,574
Other	63,666	63,152
Current expenses	93,000	93,000
Travel:		
In state	27,400	27,800
Out of state	1,200	1,200
Equipment	3,000	3,000
Other expenditures:		
Benefits	49,061	49,980
Total for board of probation	\$730,216*	\$738,498*

## Estimated source of funds for board of

probation		
Local	\$32,880	\$35,194
Transfer from crime commission	37,984	39,130
General	659,352	664,174
Total	<u>\$730,216</u>	<u>\$738,498</u>

\*Within this appropriation the sum of \$5,063 for fiscal year 1974 and the sum of \$7,104 for fiscal year 1975 is provided for the express purpose of satisfying federal matching requirements for LEAA grants allocated through the Governor's Commission on Crime and Delinquency.

Amend section 29 by striking out the same and inserting in place thereof the following:

	FISCAL 1974	FISCAL 1975
29 Real state commission:		
Salary of director	\$11,021	\$11,423
Other personal services:		
Permanent	30,337	31,174
Other	2,300	2,300
Current expenses	17,692	13,192
Travel:		
In state	3,300	3,300
Out of state	550	550
Equipment	1,737	1,212
Other expenditures:		
Testing services	13,250	15,750
Benefits	3,830	3,900
Total for real estate commission	<u>\$84,017</u>	<u>\$82,801</u>

Estimated source of funds for real estate

commission:

Other — testing revenue

General

\$13,250

70,767

\$15,750

67,051

Total

\$84,017

\$82,801

Amend section 30, III, (a), (1) of the bill by inserting after the lines Other personal services: Permanent 315,614 322,568 the following new line:

Other

5,000

5,000

Further amend section 30, III, (a), (1) of the bill by striking out the lines "Total \$646,726 \$644,606, Estimated source of funds for driver licensing: Highway \$646,726 \$644,606" and inserting in place thereof the following:

Total

\$651,726

\$649,606

Estimated source of funds for driver

licensing:

Highway

\$651,726

\$649,606

Amend section 30, III, (a), (2) by striking out the line "Current expenses 400,000 400,000" and inserting in place thereof the following:

Current expenses

400,000\*

400,000\*

Further amend section 30, III, (a), (2) by inserting at the end of said paragraph the following footnote:

\*The director of motor vehicles shall use a reflectorized material on the surface of motor vehicle registration plates issued for 1975.

Amend section 30, III, (a), (3) of the bill by striking out in said section all after the lines Travel: In state 35,845 36,466 and inserting in place thereof the following:

Equipment	54,100	27,500
Other expenditures:		
Benefits	18,806	19,150
Total	<u>\$398,998</u>	<u>\$378,908</u>

Estimated source of funds for motor vehicle inspection Highway

	<u>\$398,998</u>	<u>\$378,908</u>
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Amend section 30, III, (a), (4) of the bill by inserting after the lines Personal services: Permanent \$197,029 \$200,289 the following new line:

Other 2,500

Further amend section 30, III, (a), (4) of the bill by striking out the lines "Total \$288,557 \$290,220, Estimated source of funds for certificate of title: Highway \$288,557 \$290,220" and inserting in place thereof the following:

Total	<u>\$291,057</u>	<u>\$292,720</u>
Estimated source of funds for certificate of title:		
Highway	<u>\$291,057</u>	<u>\$292,720</u>

Amend section 30, III, (a), (5) of the bill by inserting after the lines Personal services: Permanent \$227,465 \$231,694 the following new line:

Other 5,000 5,000

Further amend section 30, III, (a), (5) of the bill by striking out the lines Total \$284,187 \$287,346, Estimated source of funds for financial responsibility: Highway \$284,187 \$287,346 and inserting in place thereof the following:

Total	\$289,187	\$292,346
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Estimated source of funds for financial responsibility:  
Highway

\$289,187	\$292,346
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Further amend section 30, III, (a) of the bill by striking out the lines "Total \$2,664,690 \$2,641,693, Estimated source of funds for motor vehicle and driver safety: Highway \$2,644,690 \$2,641,693" and inserting in place thereof the following:

Total	\$2,662,190	\$2,656,693
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Estimated source of funds for motor vehicle and driver safety:  
Highway

\$2,662,190	\$2,656,693
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Amend section 30, III, (b) of the bill by inserting after the lines Personal services: Permanent \$118,048 \$120,429 the following new line:



## Other

2,500

2,500

Further amend section 30, III, (b) of the bill by striking out the lines "Total \$162,172 \$167,168, Estimated source of funds for road toll section: Highway \$162,172 \$167,168" and inserting in place thereof the following:

## Total

\$164,672\$169,668

## Estimated source of funds for road toll

## section:

## Highway

\$164,672\$169,668

Further amend section 30, III of the bill by striking out the lines "Total \$3,343,851\* \$3,404,254\*, Estimated source of funds for division of motor vehicle: Highway \$2,806,862 \$2,808,861, Initial plate fund 536,989 595,393, Total \$3,343,851 \$3,404,254" and inserting in place thereof the following:

## Total

\$3,363,851\*\$3,421,754\*

## Estimated source of funds for division of

## motor vehicle:

## Highway

\$2,826,862\$2,826,361

## Initial plate fund

536,989595,393

## Total

\$3,363,851\$3,421,754

Amend section 30, V, (a) of the bill by striking out the same and inserting in place thereof the following:

(a) Communications section:

Personal services:		
Permanent	\$196,917	\$200,632**
Other	4,000	4,000**
Current expenses	25,600	25,800
Travel:		
In state	10,925	11,095
Out of state	500	500
Equipment	148,250	203,650
Other expenditures:		
Benefits	18,088	18,420
Total	<u>\$404,280*</u>	<u>\$464,097*</u>
Estimated source of funds for communications section:		
Transfer from crime commission	\$69,438	\$135,888
Highway	324,852	328,209
General	10,000	....
Total	<u>\$404,280</u>	<u>\$464,097</u>

\*Within this appropriation the sum of \$23,312 for fiscal year 1974 and the sum of \$45,462 for fiscal year 1975 is provided for the express purpose of satisfying federal matching requirements for LEAA grants allocated through the Governor's Commission on Crime and Delinquency.

\*\*Beginning July 1, 1974, actual costs shall be charged and credited to the highway fund for services performed for all state departments, agencies, counties, cities and towns supported by the Highway fund.

Amend section 30, V, (c) of the bill by striking out the same and inserting in place thereof the following:

(c) Traffic bureau:		
Salary of director	\$18,105	\$18,105
Other personal services:		
Permanent	1,803,871	1,857,236
Permanent	....	61,848+
Other	2,000	2,500
Current expenses	178,894	199,354
Travel:		
In state	406,138	426,138
In state	....	31,185+
Out of state	1,500	1,500
Equipment	386,080	293,270
Other expenditures:		
Ammunitions	4,000	4,000
Auxiliary police	16,500	16,500
Training dogs	2,500	2,500
NCIC	5,000a	5,000a
Video tape	500	500
In-service training	8,500	8,500
Basic training for police — LEAA	195,000a	197,000a
Police emergency telephone system —		
LEAA	2,000a	2,000a
Benefits	164,022	168,860
Benefits	....	5,566+
Mobile command post — LEAA	....	210,000a
Riot control equipment — LEAA	22,000a	....

Implementation of trace —		
CDP services — LEAA	263,333a	354,509a
Total	<u>\$3,479,943*</u>	<u>\$3,866,071*</u>
Estimated source of funds for traffic bu-		
reau:		
Federal	\$205,000	\$265,882
Transfer from crime commission	164,250	306,750
Highway	2,612,637	2,757,980
Local	60,250	82,726
Turnpike funds:		
Salary increase (chapter 60)	....	....
Central	220,477	216,294
Blue star memorial	94,969	95,197
Spaulding	89,160	84,657
General	33,200	56,585
Total	<u>\$3,479,943</u>	<u>\$3,866,071</u>

\*Within this appropriation the sum of \$25,500 for fiscal year 1974 and the sum of \$72,700 for fiscal year 1975 is provided for the express purpose of satisfying federal matching requirements for LEAA grants allocated through the Governor's Commission on Crime and Delinquency. Any revenue received resulting from the sale of surplus property shall be deposited to the highway fund.

\*These appropriations shall take effect only as follows:

1. Upon a finding and certification by the governor and council that the so-called ASAP contract between the Department of Transportation and the state department of health and welfare has been or will be terminated or will be no longer one hundred per cent federally funded; and
2. On the date on which either of the said above eventualities become effective, but in no event earlier than January 1, 1974.

On the effective date of these appropriations only the eight troopers, two corporals and one sergeant employed by said ASAP program shall be transferred to and they shall become permanent classified employees of the department of safety, traffic division, together with all equipment and supplies of said program.

These appropriations shall not be transferred or used for any other purpose and shall be reduced by the amount of any federal funds which are or become available and are received for the purposes thereof.

Further amend section 30, V, of the bill by striking out the lines "Total \$4,233,551 \$4,584,340, Estimated source of funds for division of state police: Transfer from crime commission \$264,869 \$469,263, Highway 2,888,106, 3,037,981, Local 29,250, 29,550, Turnpike 404,606 396,148, General 646,680 651,398, Total \$4,233,511 \$4,584,340" and inserting in place thereof the following:

Total	<u>\$4,527,084</u>	<u>\$4,962,241</u>
Estimated source of funds for division of state police:		
Federal	\$205,000	\$265,882
Transfer from crime commission	264,869	469,263
Highway	2,937,479	3,086,189
Local	60,250	82,726
Turnpike	404,606	396,148
General	654,880	662,033
Total	<u>\$4,527,084</u>	<u>\$4,962,241</u>



Amend section 30 of the bill by striking out the lines "Total for department of safety \$8,303,828 \$8,707,346, Estimated source of funds for department of safety: Federal \$52,300 \$37,338, Highway 5,944,760 6,097,607, Other 1,235,714 1,490,354, General 1,071,054 1,082,047, Total \$8,303,828 \$8,707,346" and inserting in place thereof the following:

Total for department of safety	<u>\$8,617,401</u>	<u>\$9,102,747</u>
Estimated source of funds for department of safety:		
Federal	\$257,300	\$303,220
Highway	6,014,133	6,163,315
Other	1,266,714	1,543,530
General	1,079,254	1,092,682
Total	<u>\$8,617,401</u>	<u>\$9,102,747</u>

Amend section 31, III of the bill by striking out the line "Food 127,575\* 133,950\*" and inserting in place thereof the following:

Food	133,575*	139,950*
Further amend section 31, III of the bill by striking out the lines "Total \$1,145,177 \$1,156,380, Estimated source of funds for custodial care: Transfer from crime commission \$145,973 \$134,503, General 999,204 1,021,877, Total 1,145,177 1,156,380" and inserting in place thereof the following:		

Total	<u>\$1,151,177</u>	<u>\$1,162,380</u>
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## Estimated source of funds for custodial

care:

Transfer from crime commission

General

\$145,973

1,005,204

\$134,503

1,027,877

Total

\$1,151,177

\$1,162,380

Amend section 31, V of the bill by striking out the same and inserting in place thereof the following:

V Parole:

Salary of parole officer

Other personal services:

Permanent

Other

Current expenses

Travel:

In state

Out of state

Equipment

Other expenditures:

Benefits

\$15,987

\$15,987

40,555

41,785

10,222

10,729

1,900

1,900

3,600

3,600

800

800

3,500

3,100

6,009

6,165

Total

\$82,573

\$84,066

Estimated source of funds for parole:

Transfer from crime commission

General

\$9,705

72,868

\$9,705

74,361

Total

\$82,573

\$84,066

Amend section 31, VI of the bill by striking out the line "Materials for manufacturing 150,000a 157,000a" and inserting in place thereof the following:

Materials for manufacturing	75,000a	100,000a
Further amend section 31, VI of the bill by striking out the lines "Total \$339,293 \$347,534, Estimated source of funds for prison industries: Prison industries income \$170,000 \$400,000, General 169,293 (52,466), Total \$339,293 \$347,534" and inserting in place thereof the following:		
Total	\$264,293	\$290,534

Estimated source of funds for prison industries:

Prison industries income	\$170,000	\$400,000
General	94,293	(109,466)
Total	\$264,293	\$290,534

Further amend section 31 of the bill by striking out the lines "Total for state prison \$1,818,930 \$1,830,408, Estimated source of funds for state prison: Other \$440,495 \$659,025, General 1,378,435\* 1,171,383\*, Total \$1,818,930 \$1,830,408" and inserting in place thereof the following:

Total for state prison	\$1,760,337	\$1,790,368
Estimated source of funds for state prison:		
Other	\$440,495	\$659,025
General	1,319,842*	1,131,343*
Total	\$1,760,337	\$1,790,368

Amend section 32, I of the bill by striking out the line "Current expenses 196,500 201,500" and inserting in place thereof the following:

Current expenses

203,500

208,500

Further amend section 32, I of the bill by striking out the lines "Total \$1,046,291\* \$1,059,871\*, Estimated source of funds for custodial care and maintenance: Maintenance refunds \$6,000 \$6,000, General 1,040,291 1,053,871, Total \$1,046,291 \$1,059,871" and inserting in place thereof the following:

Total

\$1,053,291\*

\$1,066,871\*

Estimated source of funds for custodial care and maintenance:

Maintenance refunds

\$6,000

\$6,000

General

1,047,291

1,060,871

Total

\$1,053,291

\$1,066,871

Further amend section 32 of the bill by striking out the lines "Total for new hampshire youth development center \$1,641,118\* \$1,683,712\*, Estimated source of funds for new hampshire youth development center: Other \$261,717, \$255,147, General 1,379,401 1,428,565, Total \$1,641,118 \$1,683,712" and inserting in place thereof the following:

Total for new hampshire youth development center:

\$1,648,118\*

\$1,690,712\*

## Estimated source of funds for new Hampshire youth development center:

Other	\$261,717	\$255,147
General	1,386,401	1,435,565
Total	<u>\$1,648,118</u>	<u>\$1,690,712</u>

Amend section 33, I, (a) of the bill by striking out the same and inserting in place thereof the following:

## (a) Inland fisheries:

Personal services:			
Permanent	\$542,567		\$546,244
Other	17,500		17,500
Current expenses	160,000		165,000
Travel:			
In state	7,000		7,000
Out of state	2,500		2,500
Equipment	25,000		25,000
Other expenditures:			
Connecticut and merrimack river anadromous fish contract	10,000		10,000
Aerial stocking contract	2,000		2,000
Bass study program	23,000		23,000
Benefits	50,406		50,737
Land acquisition	50,000		50,000
Total	<u>\$889,973</u>		<u>\$898,981</u>



## Estimated source of funds for inland fish-

eries:

Fish and game

\$889,973\$898,981

Amend section 33, I, (b) of the bill by striking out the line "Coho salmon project 5,000 5,000" and inserting in place thereof the following:

Coho salmon project

14,000

14,000

Further amend section 33, I, (b) of the bill by striking out the lines "Total \$74,639 \$75,483, Estimated source of funds for marine fisheries: Fish and game fund \$37,116 \$38,658, Marine 37,523 36,825, Total \$74,639 \$75,483" and inserting in place thereof the following:

Total

\$83,639\$84,483

## Estimated source of funds for marine fish-

eries:

Fish and game fund

\$41,616\$43,158

Marine

42,02341,325

Total

\$83,639\$84,483

Amend section 33, I of the bill by striking out the lines "Total \$820,945 \$829,977, Estimated source of funds for fish resources:

Marine \$37,523 \$36,825, Fish and game 783,422 793,152, Total \$820,945 \$829,977" and inserting in place thereof the following:

Total

\$973,612\$983,464

Estimated source of funds for fish re- sources:			
Marine	\$42,023		\$41,325
Fish and game	931,589		942,139
Total	<u>\$973,612</u>		<u>\$983,464</u>
Amend section 33, II, (b) of the bill by striking out the line "Equipment 8,000 8,250" and inserting in place thereof ing:			
Equipment	13,000	8,250	
Further amend section 33, II, (b) of the bill by striking out all after the line Benefits 16,273 16,406 and inserting in place thereof the following:			
Land acquisition	50,000	50,000	
Total	<u>\$312,317</u>		<u>\$307,523</u>
Estimated source of funds for management and research:			
Fish and game	\$312,317		\$307,523
Further amend section 33, II of the bill by striking out the lines "Total \$289,431 \$292,597, Estimated source of funds for game resources: Fish and game \$289,431 \$292,597" and inserting in place thereof the following:			
Total	<u>\$344,431</u>		<u>\$342,597</u>

Estimated source of funds for game re-sources:

Fish and game

\$344,431

\$342,597

Amend section 33, III, (a) of the bill by striking out the same and inserting in place thereof the following:

(a) Districts 1-6:

Personal services:

Permanent

\$489,190

\$499,388

Current expenses

38,727

46,000

Travel:

In state

73,000

74,000

Out of state

495

495

Equipment

55,000

120,000

Other expenditures:

Benefits

44,027

44,945

Accrued liability

30,172a

30,172a

Total

\$730,611

\$815,000

Estimated source of funds for districts 1-6:

Marine

\$67,535

\$64,378

Fish and game

663,076

750,622

Total

\$730,611

\$815,000

Amend section 33, III, (b) of the bill by striking out all after the line Benefits 4,968 5,078 and inserting in place thereof the following:

Accrued liability	1,284a	1,284a
Total	\$78,711	\$80,020
Estimated source of funds for administration and support:		
Fish and game	\$78,711	\$80,020

Amend section 33, III of the bill by striking out the lines "Total \$757,791 \$769,908, Estimated source of funds for law enforcement: Marine \$67,535 \$64,378, Fish and game 690,256 705,530, Total \$757,791 \$769,908" and inserting in place thereof the following:

Total	\$809,322	\$895,020
Estimated source of funds for law enforcement:		
Marine	\$67,535	\$64,378
Fish and game	741,787	830,642
Total	\$809,322	\$895,020

Amend section 33, IV, (a) by striking out all after the lines Travel: In state 1,175 1,175 and inserting in place thereof the following:

Out of state	1,250	1,250
Total	\$2,475	\$2,475

Estimated source of funds for commission:

Fish and game	\$2,475	\$2,475
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Amend section 33, IV, (e) of the bill by striking out all after the line Overhead 16,800e 17,640e and inserting in place thereof the following:

Accrued liability	9,341a	9,341a
Total	\$232,552	\$235,334

Estimated source of funds for business man-

agement:		
Fish and game	\$232,552	\$235,334

Amend section 33, IV of the bill by striking out the lines "Total \$565,226 \$588,718, Estimated source of funds for administration and support: Fish and game \$565,226 \$588,718" and inserting in place thereof the following:

Total	\$563,891	\$587,383
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Estimated source of funds for administration and support:  
Fish and game

\$563,891  
\$587,383

Amend section 33 of the bill by striking out the lines "Total for fish and game department \$2,433,393\* \$2,481,200\*, Estimated source of funds for fish and game department: Federal \$341,020 \$351,545, Fish and game 2,092,373 2,129,655, Total \$2,433,393 \$2,433,393" and inserting in place the following:

Total for fish and game department

\$2,691,256\*  
\$2,808,464\*

Estimated source of funds for fish and game department:

Federal  
Fish and game

\$437,770  
2,253,486

Total

\$2,691,256  
\$2,808,464

Amend section 35, I, (a) of the bill by striking out the same and inserting in place thereof the following:

FISCAL 1974 FISCAL 1975

(a) Office of commissioner:

Salary of commissioner \$23,314

\$23,314

Other personal services:

Permanent 186,800

189,654

Other 6,300

6,300

Current expenses 21,500

21,500

Travel:			
In state	1,700	1,700	
Out of state	1,200	1,200	
Equipment	5,300	640	
Other expenditures:			
N. h.-vt. development council	10,000	10,000	
Benefits	19,477	19,734	
Total	<u>\$275,591</u>	<u>\$274,042</u>	
Estimated source of funds for office of commissioner:			
General	<u>\$275,591</u>	<u>\$274,042</u>	
Further amend section 35, I, (c) by striking out all after the line Travel and inserting in place thereof the following:			
In state	3,300	3,300	
Out of state	150	150	
Equipment	24,700	5,700	
Other expenditures:			
Benefits	12,290	12,307	
Total	<u>\$183,996</u>	<u>\$165,199</u>	
Estimated source of funds for design, development and maintenance:			
General	<u>\$183,996</u>	<u>\$165,199</u>	

Further amend section 35, I by striking out the lines "Total \$661,853 \$663,170, Estimated source of funds for administration and support: Graphic arts and printing sales \$50,000 \$55,000, General 611,853 608,170, Total \$661,853 \$663,170" and inserting in place thereof the following:

Total	\$698,105	\$677,922
Estimated source of funds for administration and support:		
Graphic arts and printing sales	\$50,000	\$55,000
General	648,105	622,922
Total	\$698,105	\$677,922

Amend section 35, IV of the bill by striking out the line "Printing, advertising, branch offices 205,000\*" 205,000\*" and inserting in place thereof the following:

Printing, advertising, branch offices 237,000\* 237,000\*

Further amend section 35, IV by striking out the lines "Total \$350,987 \$348,680, Estimated source of funds for economic development-travel promotion; General \$350,987 \$348,680" and inserting in place thereof the following:

Total	\$382,987	\$380,680
Estimated source of funds for economic development-travel promotion:		
General	\$382,987	\$380,680

Amend section 35, VI, (a) of the bill by striking out the same and inserting in place thereof the following:

(a) Forest and land management:

Personal services:

Permanent	\$177,923	\$179,252
Other	25,000	25,000
Current expenses	12,000	12,300
Travel:		
In state	10,000	10,000
Out of state	800	800
Equipment	5,700	8,000
Other expenditures:		
Silvaculture	3,000	3,000
Geology	22,000	22,000
Benefits	18,263	18,383
Total	<u>\$274,686</u>	<u>\$278,735</u>

Estimated source of funds for forest and land management:

Federal	\$51,000	\$23,000
General	223,686	255,735
Total	<u>\$274,686</u>	<u>\$278,735</u>

Amend section 35, VI, (b) of the bill by striking out the line "Permanent \$288,303 \$289,981" and inserting in place thereof the following:

Permanent \$289,981\*

Further amend section 35, VI, (b) by inserting at the end of the paragraph the following footnote:

\*Other provisions of law notwithstanding funds hereby appropriated for payment of salaries for permanent personnel assigned as forest fire lookouts, shall no sooner than the end of a pay period during which such funds have not been expended for such purpose, be transferred to a separate aircraft and fire control methods appropriation account to be established by the comptroller. Any funds so transferred may not be expended for any other purpose.

Further amend section 35, VI by striking out the lines "Total \$744,059 \$747,512; Estimated source of funds for forestry and land resources: Federal \$161,000 \$133,000, General 583,059 614,512, Total \$744,059 \$747,512" and inserting in place thereof the following:

Total	\$754,559	\$758,012
Estimated source of funds for forestry and land resources:		
Federal	\$161,000	\$133,000
General	593,559	625,012
Total	\$754,559	\$758,012



Amend section 35, VII, (b) by striking out all after the line "Other expenditures:" and inserting in place thereof the following:

Major repairs	58,000*	58,000*
Insurance (liability)	35,000	35,000
Snow making and snow grooming	50,000	57,000
Benefits	72,203	72,359
Total	<u>\$1,279,317</u>	<u>\$1,256,997</u>

\* Major repair funds appropriated may be charged for temporary personnel and travel expenditures incident to major repair projects.

Amend section 35, VII, (c) by striking out all after the line "Other expenditures:" and inserting in place thereof the following:

Major repairs	\$55,000*	\$55,000*
Benefits	58,149	58,244
Snowmobile maintenance program	20,000	20,000
Total	<u>\$926,350</u>	<u>\$919,397</u>

\* Major repair funds appropriated may be charged for temporary personnel and travel expenditures incident to major repair projects.

Further amend section 35, VII by striking out the lines "Total \$3,319,474 \$3,257,943, Estimated source of funds for parks and recreation; Hampton parking meters \$50,000 Recreation 2,470,000 2,520,000, General 799,474 687,943, Total \$3,319,474 \$3,257,943" and inserting in place thereof the following:

Total	<u>\$3,367,474</u>	<u>\$3,312,943</u>
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Estimated source of funds for parks and recreation:

Hampton parking meters	\$50,000	\$50,000
Recreation	2,470,000	2,520,000
General	847,474	742,943
Total	<u>\$3,367,474</u>	<u>\$3,312,943</u>

Amend section 35 by striking out the lines "Total for resources and economic development \$5,405,394 \$5,341,802, Estimated source of funds for resources and economic development: Federal \$161,000 \$133,000, Other 2,570,000 2,625,000, General 2,674,394 2,583,802,"

Total \$5,405,394 \$5,341,802" and inserting in place thereof the following:

Total for resources and economic development

	<u>\$5,532,146</u>	<u>\$5,454,054</u>
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Estimated source of funds for resources and economic development:

Federal	\$161,000	\$133,000
Other	2,570,000	2,625,000
General	2,801,146	2,969,054
Total	<u>\$5,532,146</u>	<u>\$5,454,054</u>

Amend section 36, I of the bill by striking out the same and inserting in place thereof the following:

1 Resources board:		
Salary of chairman	\$16,531	\$16,531
Other personal services:		
Permanent	144,513	146,594
Other	1,000	1,000
Current expenses	27,420	28,390
Travel:		
In state	7,750	8,000
Out of state	350	350
Equipment	1,520	3,500
Other expenditures:		
Survey of effect of highway salt on ground water resources	4,000*	4,000*
Stream flow gauging	37,500*	37,500*
Connecticut river valley flood control commission:		
Per diem and expenses to commission	500a	500a
State's contribution to commission	1,000a	1,000a
Maintenance of dams	15,000a	15,000a
Survey and investigation ground waters	15,000	15,000
Pittsburg and Clarksville	12,500	12,500
Merrimack river valley flood control commission:		
Per diem and expenses of commission	....	....
State's contribution to commission	3,000	3,000
Benefits	14,584	14,771
Total	\$802,168	\$807,636

## Estimated source of funds for resources

## board:

## Boat fund

Transfer from public works and highways

Transfer from pittsburg project

Transfer from lakeport project

Transfer from greenville project

Transfer from maintenance

General

## Total

\$	.....
17,000	
11,600	
7,500	
10,400	
188	
260,948	
	<u>\$307,636</u>
	<u><u></u></u>

\*To be used only for matching purposes with federal funds and this appropriation shall not be transferred or expended for any other purpose.

Further amend section 36 of the bill by striking out the lines "Total for water resources board \$509,733\* \$490,197\*, Estimated source of funds for water resources board: Other \$219,198 \$220,152, General 290,535 270,039, Total \$509,733 \$490,197" and inserting in place thereof the following:

## Total for water resources

\$539,893*	
	<u>\$519,525*</u>
	<u><u></u></u>

## Estimated source of funds for water resources board:

## Other

## General

## Total

\$219,198	
320,695	
	<u>\$220,158</u>
	<u>299,367</u>
	<u>\$519,525</u>
	<u><u></u></u>

Amend section 37, I of the bill by striking out the line "State aid grants 2,323,985\*\* 4,097,550\*\*" and inserting in place thereof the following:

State aid grants

\$2,323,985\*\*

\$3,597,550\*\*

Further amend section 37, I of the bill by striking out the lines "Total \$3,678,176 \$5,544,918, Estimated source of funds for office of commission: Federal \$151,100 Real estate transfer tax 300,000 General 3,227,076 5,093,818, Total \$3,678,176 \$5,544,918" and inserting in place thereof the following:

Total

\$3,678,176

\$5,044,918

Estimated source of funds for office of com-

mission:

Federal

\$151,100

\$151,100

Real estate transfer tax

300,000

300,000

General

3,227,076

4,593,818

Total

\$3,678,176

\$5,044,918

Further amend section 37 of the bill by striking out the lines "Total for water pollution commission \$4,215,084 \$5,857,801, Estimated source of funds for water pollution commission: Federal \$195,100 \$151,100, Other 541,932 552,900, General 3,478,052 5,153,801,

Total \$4,215,084 \$5,857,801" and inserting in place thereof the following:

Total for water pollution commission

\$4,215,084

\$5,357,801



Estimated source of funds for water pollution commission:

Federal	\$195,100	\$151,100
Other	541,932	552,900
General	3,478,052	4,653,801
Total	<u>\$4,215,084</u>	<u>\$5,357,801</u>

Amend section 38, II of the bill by striking out the line "Operation and maintenance of electronic air navigation aids 14,250 14,500" and inserting in place thereof the following:

Airport development and air navigation aids

14,250 14,500

Amend section 39 of the bill by striking out the lines "Estimated total for port authority: General \$35,489 \$35,827" and inserting in place thereof the following:

Estimated source of funds for port authority:

General	<u>\$35,489</u>	<u>\$35,827</u>
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Amend section 40, II of the bill by striking out the same and inserting in place thereof the following:

II Architectural:

Personal services:

Permanent	\$76,443	\$78,851
Other	3,236	3,309
Current expenses	500	550

Travel:

In state	1,800	1,900
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Equipment	1,340	....	
Other expenditures:			
Benefits	7,202	7,352	
Total			\$91,962
Estimated source of funds for architectural:			
General			\$91,962
Amend section 40 of the bill by striking out all after paragraph V and inserting in place thereof the following:			
Total appropriation for public works division			\$304,944
Estimated source of funds for public works division of department of public works and highways:			
Other	\$3,000	\$3,000	
General	302,429	301,944	
Total	\$305,429	\$304,944	
Amend section 41, II of the bill by striking out the lines "Radio equipment \$150,000, Total \$8,132,731" and inserting in place thereof the following:			
of funds for engineering: Highway \$8,132,731	\$8,177,822	\$8,177,822	\$8,177,822, Source

## Radio equipment

\$50,000\$50,000

## Total

\$8,032,731\$8,077,822

## Estimated source of funds for engineering:

## Highway

\$8,032,731\$8,077,822

Amend section 41, VI of the bill by striking out all after the line State aid bridge construction 150,000 290,000 and inserting in place thereof the following:

## Town road bridge

\$600,000\$600,000

## State subsidy

4,487,5004,487,500

## Total

\$8,078,900\$8,041,750

## Estimated source of funds for community

## assistance:

## Highway

\$8,078,900\$8,041,750

Amend section 41 of the bill by striking out the lines "Total department of public works and highways \$81,917,542 \$82,263,489,

Source of funds for department of public works and highways: Federal \$25,382,400 \$25,382,400, Highway 55,180,142 55,501,089, Other 1,355,000 1,380,000, Total \$81,917,542 \$82,263,489" and inserting in place thereof the following:

## Total department of public works and

## highways

\$81,817,542\$82,463,489

Estimated source of funds for department  
of public works and highways:

Federal	\$25,382,400	\$25,382,400
Highway	55,080,142	55,701,089
Other	1,355,000	1,380,000
		<hr/>
Total	\$81,817,542	\$82,463,489
		<hr/>

Amend section 44, I by striking out the lines "Other expenditures: Grants, Third party grants 25,000a 40,000a, Senior citizens day 1,250 1,250, Nutrition program — —, Benefits 21,503 21,842" and inserting in place thereof the following:

Other expenditures:

Third party grants	25,000a	40,000a
Senior citizens day	1,250	1,250
Benefits	21,503	21,842
		<hr/>

Amend section 44, II by striking out the lines "Area wide administration \$150,000 \$200,000, Area planning 487,500 650,000, Nutrition 750,000 750,000" and inserting in place thereof the following:

Social services:

Not covered by area plans	\$150,000	\$200,000
Covered by area plans	487,500	650,000
Nutrition	750,000	750,000
		<hr/>

Amend section 45 by striking all and inserting in place thereof the following:

45 Cancer commission:		
Personal services:		
Permanent		
Other	\$16,632	\$17,098
Equipment	35,000	32,000
Travel:	500	3,100
In state	850	850
Current expenses	109,000	100,000
Other expenditures:		
Benefits	1,557	1,597
Total cancer commission	<u>\$163,539</u>	<u>\$154,645</u>
Estimated source of funds for cancer commission:		
General	<u>\$163,539</u>	<u>\$154,645</u>
Amend section 46, IV, (a), (1) by striking out the line "Current expenses 6,000 6,000" and inserting in place thereof the following:		
Current expenses	6,750	6,750
Further amend 46, IV, (a), (1) by striking out the line "Out of state 500 500" and inserting in place thereof the following:		
Out of state	1,000	1,000
Further amend 46, IV, (a), (1) by striking out the lines "Total 82,018 79,739, Estimated source of funds for office of director:		
General 82,018 79,739" and inserting in place thereof the following:	<u><u>82,018</u></u>	<u><u>79,739</u></u>



Total	\$83,268	\$80,989
Estimated source of funds for office of director:		
General	\$83,268	\$80,989
Amend 46, IV, (a), (3) by striking out the line "Other 23,857 25,139" and inserting in place thereof the following:		
Other	25,971	26,622
Further amend 46, IV, (a), (3) by striking out the lines "Other expenditures: Benefits 5,733 5,879, Training consultants and data processing 11,409 15,947" and inserting in place thereof the following:		
Other expenditures:		
Benefits	5,899	5,861
Training consultants & data processing	9,129	14,473
Amend section 46, IV (a) by striking out the lines "Total \$2,844,438 \$3,533,068, Estimated source of funds for administration: Federal \$85,500 General 2,758,938 3,447,568, Total \$2,844,438 \$3,533,068" and inserting in place thereof the following:		
Total	\$2,845,688	\$3,534,318
Estimated source of funds for administration:		
Federal	\$85,500	\$85,000
General	2,760,188	3,448,818
Total	\$2,845,688	\$3,534,318

Amend section 46, IV, (b), (2) by striking out the line "Permanent 1,960,086 1,999,987" and inserting in place thereof the following:

Permanent	\$1,970,918	\$2,011,327
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Amend section 46, IV, (b), (2) by striking out the line "Benefits 178,208 181,799" and inserting in place thereof the following:

Benefits	179,183	182,819
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Amend 46, IV, (b), (2) by striking out the lines "Total \$2,218,969 \$2,257,461, Estimated source of funds for professional care and treatment: General \$2,218,969 \$2,257,461 and inserting in place thereof the following:

Total	<u>\$2,230,776</u>	<u>\$2,269,821</u>
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Estimated source of funds for professional care and treatment:

General	<u>\$2,230,776</u>	<u>\$2,269,821</u>
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Amend section 46, IV, (b), (3) by striking out the line "Permanent \$383,330 \$391,537" and inserting in place thereof the following:

Permanent	\$390,103	\$398,708
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Amend section 46, IV, (b), (3) by striking out the line "Benefits 35,490 36,228" and inserting in place thereof the following:

Benefits	36,100	36,973
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Amend 46, IV, (b), (3) by striking out the lines "Total \$447,770 \$453,715, Estimated source of funds for training and development program: General \$447,770 \$453,715" and inserting in place thereof the following:

Total	\$455,153	\$461,531
Estimated source of funds for training and development		
General	\$455,153	\$461,531
Further amend 46, IV, (b) by striking out the lines "Total \$4,149,419 \$4,184,216, Estimated source of funds for laconia state school and training center: Other — maintenance refunds \$10,500 \$10,500, General 4,138,919 4,173,716, Total \$4,149,419 \$4,184,216", and inserting in place thereof the following:		
Total	\$4,168,609	\$4,204,392
Estimated source of funds for laconia state school and training center:		
Other — maintenance refunds	\$10,500	\$10,500
General	4,158,109	4,193,892
Total	\$4,168,609	\$4,204,392

Amend 46, IV, (c), (1) by striking out the lines "Permanent 2,346,500 + 2,699,671 +, Other 79,880 81,640" and inserting in place thereof the following:

Permanent	\$2,246,500 +	\$2,599,671 +
Other	179,800	181,640

Amend 46, IV, (c) . (2) by striking the line "Permanent 5,269,466 + 6,062,626 + " and inserting in place thereof the following:

Permanent 5,019,466 +

5,812,626 +

Further amend 46, IV, (c) , (2) by striking the lines "Benefits 544,651 618,986, Total \$7,080,418 \$8,070,049, Estimated source of funds for professional care & treatment: General \$7,080,418 \$8,070,049" and inserting in place thereof the following:

Benefits	522,151	596,486
Total	<u>\$6,807,918</u>	<u>\$7,797,549</u>
Estimated source of funds for professional care & treatment:		
General	<u>\$6,807,918</u>	<u>\$7,797,549</u>

Amend section 46, IV, (c) by striking out the following lines "Total \$12,197,430 \$13,340,451, Estimated source of funds for new hampshire hospital: Federal \$370,804 \$105,781, Maintenance refund 71,000 72,000, Student fees 4,000 2,000, General 11,751,626 13,160,670, Total \$12,197,430 \$13,340,451" and inserting in place thereof the following:

Total	<u>\$11,924,930</u>	<u>\$13,067,951</u>
Estimated source of funds for new hampshire hospital:		
Federal	<u>\$370,804</u>	<u>\$105,781</u>
Maintenance refund	<u>71,000</u>	<u>72,000</u>
Student fees	<u>4,000</u>	<u>2,000</u>

General	11,479,126	12,888,170
Total	<u>\$11,924,930</u>	<u>\$13,067,951</u>
Amend section 46, IV by striking out the following lines "Total \$19,191,287 \$21,057,735, Estimated source of fund for division of		
mental health: Federal \$456,304 \$191,281, Maintenance refund 81,500 82,500, Student fees 4,000 2,000, General 18,649,483 20,781,954,		
Total \$19,191,287 \$21,057,735" and inserting in place thereof the following:		
Total	<u>\$18,939,227</u>	<u>\$20,806,661</u>
Estimated source of fund for division of		
mental health:		
Federal	\$456,304	\$191,281
Maintenance refund	81,500	82,500
Student fees	4,000	2,000
General	<u>18,397,423</u>	<u>20,530,880</u>
Total	<u>\$18,939,227</u>	<u>\$20,806,661</u>
Amend section 46, VII, (b), (1) by striking out same and inserting in place thereof the following:		



## (1) Aid to families with dependent children:

Grants	<u>\$15,414,053*</u>	<u>\$15,364,075*</u>
Total	<u>\$15,414,053</u>	<u>\$15,364,075</u>
Estimated source of funds for aid to families with dependent children:		
Federal	\$9,535,753	\$9,519,075
Estimated revenue	175,000	175,000
General	<u>5,703,300</u>	<u>5,670,000</u>
Total	<u>\$15,414,053</u>	<u>\$15,364,075</u>

Amend 46, VII, (b) by striking out the lines "Total \$22,986,463 \$22,463,134, Estimated source of funds for assistance payment: Federal \$13,185,081 \$12,023,783, Local 1,347,215 1,359,400, Estimated revenue 368,000 368,000, General 8,036,167 8,711,951, Total \$22,986,463 \$22,463,134"

Total	<u>\$20,301,417</u>	<u>\$19,301,079</u>
Estimated source of funds for assistance payment:		
Federal	\$11,550,035	\$10,061,728
Local	<u>1,347,035</u>	<u>1,359,400</u>

Estimated revenue	368,000	368,000
General	7,036,167	7,511,951
Total	<u>\$20,301,417</u>	<u>\$19,301,079</u>

Amend 46, VII, (c), (1) by striking out the same and inserting in place thereof the following:

(c) Medical assistance:		
(1) Provider payment:		
Grants	<u>\$25,817,000</u>	<u>\$28,186,800</u>
Total	<u>\$25,817,000</u>	<u>\$28,186,800</u>

Estimated source of funds for provider payment:		
Federal	\$16,019,464	\$17,489,864
Local	2,636,668*	2,732,468*
Estimated recoveries	5,000	5,000
General	<u>7,155,868</u>	<u>7,959,468</u>
Total	<u>\$25,817,000</u>	<u>\$28,186,800</u>

\*For the fiscal years ending June 30, 1974 and June 30, 1975 the share which a county or town must reimburse the state for old age assistance and permanently and totally disabled recipients in nursing homes for which such county or town is liable shall be fifty (50) percent of the non-federal share. Provisions of the law inconsistent with the provisions hereof are hereby suspended until June 30, 1975.

Amend 46, VII, (c) by striking out the lines "Total \$28,251,950 \$30,341,057, Estimated source of funds for medical assistance: Fed-

eral \$17,462,207 \$18,807,283, Local 2,886,000 2,981,800, Estimated recoveries 5,000 5,000, General 7,898,743 8,546,974, Total \$28,251,950 \$30,351,057" and inserting in place thereof the following:

Total	\$26,937,950	\$29,027,057
Estimated source of funds for medical assistance:		
Federal	\$16,646,871	\$17,991,947
Local	2,636,668	2,732,468
Estimated recoveries	5,000	5,000
General	7,649,411	8,297,642
Total	\$26,937,950	\$29,027,057

Amend section 46, VII by striking out the lines "Total \$56,901,781\* \$58,664,164\*", Estimated source of funds for division of welfare:

Federal \$34,617,672 \$34,891,735, Local 4,233,215 4,341,200, Estimated revenue & recoveries 397,400 397,400, General 17,653,494 19,033,829, Total \$56,901,781 \$58,664,164" and inserting in place thereof the following:

Total	\$52,952,735*	\$54,188,109*
Estimated source of funds for division of welfare:		
Federal	\$32,167,290	\$32,114,344
Local	3,983,883	4,091,868
Estimated revenue & recoveries	397,400	397,400

## General

Total	16,404,162	17,584,497
	<u>\$52,952,735</u>	<u>\$54,188,109</u>

Amend section 46 by striking the lines "Total for department of health & welfare \$82,505,620 \$86,331,196, Estimated source of funds for department of health & welfare: Federal \$38,629,483 \$38,711,011, Other 4,742,115 4,849,100, General 39,134,022 42,711,085, Total \$82,505,620 \$86,331,196" and inserting in place thereof the following:

Total for department of health & welfare	\$78,304,514	\$81,604,067
Estimated source of funds for department of health & welfare:		
Federal	\$36,179,101	\$35,933,620
Other	4,492,783	4,599,768
General	37,632,630	41,070,679
Total	<u>\$78,304,514</u>	<u>\$81,604,067</u>

Amend the bill by striking out section 49 and inserting in place thereof the following:

49 Commission on the arts:		FISCAL 1974	FISCAL 1975
Personal services:			
Other	\$36,408		\$38,389
Current expenses	11,650		12,520
Travel:			
In state	2,400		2,400

Out of state	2,600	2,600
Equipment	4,631	1,000
Other expenditures:		
Grants	135,000	135,000
Benefits	2,990	3,170
Total for commission on the arts	\$195,679	\$195,079
Estimated source of funds for commission on the arts:		
Federal	\$150,000	\$150,000
General	45,679	45,079
Total	\$195,679	\$195,079

Amend the bill by striking out section 51 and inserting in place thereof the following:

	FISCAL 1974	FISCAL 1975
51 Board of education:		
I Administration and support:		
(a) State board:		
Current expenses	\$1,400	\$3,400
Travel:		
In state	900	900
Out of state	1,700	1,700
Total	\$4,000	\$6,000



## Estimated source of funds for state board:

General	\$4,000	\$6,000
(b) Office of commissioner:		
Salary of commissioner	\$23,554	\$23,554
Salary of deputy commissioner	20,104	20,104
Other personal services:		
Permanent	23,998	24,007
Other	700	700
Current expenses	5,100	5,300
Travel:		
In state	2,000	2,000
Out of state	2,300	2,300
Equipment	3,000	....
Other expenditures:		
Data processing services	24,200d	24,200d
Conferences and work shops	1,000	1,000
Benefits	4,772	4,905
Total	\$110,728	\$108,070
Estimated source of funds for office of commissioner:		
Federal	\$9,979	\$9,256
Literary	19,000	19,000
General	81,749	79,814
Total	\$110,728	\$108,070

## (c) Business management:

Personal services:		
Permanent	\$185,527	\$190,990
Other	6,822	7,205
Current expenses	26,500	24,500
Travel:		
In state	2,500	1,500
Out of state	500	500
Equipment	\$2,300	....
Other expenditures:		
Benefits	17,161	17,742
Total	<u>\$241,310</u>	<u>\$242,437</u>

## Estimated source of funds for business

management:		
Federal	\$61,900	\$60,500
Transfers from other divisions	111,411	115,796
General	67,999	66,141
Total	<u>\$241,310</u>	<u>\$242,437</u>

## (d) Planning unit:

Personal services:		
Permanent	\$63,220	\$64,723
Other	4,000	4,000
Current expenses	9,700	9,700
Travel:		
In state	3,400	3,400



Equipment	800		200
Other expenditures:			
Grants to districts	339,100		394,200
Special projects	20,000		25,000
Conferences and adults	4,000		4,500
Benefits	2,679		2,851
Total		\$408,812	\$470,794
Estimated source of funds for adult basic education:			
Federal		\$395,812	\$457,794
General		13,000	13,000
Total		\$408,812	\$470,794
III Financial aids to districts:			
Personal services:			
Permanent	445,787++		....
Other expenditures:			
Grants			
(a) Foundation aid	\$3,027,000a		\$3,390,000a
(b) Building aid	4,676,500*		4,717,800*
(c) Dual enrollment and child benefits	440,300		454,200
(d) Reorganization aid	312,200		328,500
(e) Unorganized districts	42,000		48,000
(f) State-wide supervision salaries & travel of superintendent, assistant superintendent, business			

administrators & teachers consultants

(g) Federal grants:

ESEA I 2,174,000\*\*  
ESEA II 2,390,000  
ESEA III 300,000  
NDEA III 550,000  
275,000

2,407,100\*\*

2,945,000  
300,000  
560,000  
275,000

Total

\$14,633,187  
\$15,425,600

Estimated source of funds for financial

aids to districts:

Federal

Local share state support

Taxation unorganized areas

General

\$3,515,000  
1,865,800  
42,000+  
9,210,387  
\$4,080,000  
2,065,500  
48,000+  
9,232,100

Total

\$14,633,187  
\$15,425,600

++ This appropriation shall be reduced by any applicable federal funds.

\*\*The state board of education shall receive for disbursement sums paid by school districts for the additional salaries of superintendents under the provisions of RSA 189:44 and the state's share shall not exceed \$308,600 in 1974 and \$341,600 in 1975.

+Funds received from assessments against unincorporated places for benefits of public schools may be used for tuition and transportation upon approval of the Governor and Council.

\*These funds shall not be expended for any other purpose and no transfers shall be made therefrom. Funds shall be distributed under provisions of RSA 198:15a to 15a 15e inclusive.



IV Veterans education services:			
Personal services — other	\$53,798		\$55,005
Current expenses	4,200		4,200
Travel:			
In state	7,900		7,900
Out of state	1,000		1,000
Equipment	500		500
Other expenditures:			
Benefits	4,763		4,932
<b>Total</b>		\$72,161	\$73,537
Estimated source of funds for veterans			
education services:			
Federal		\$72,161	\$73,537
V Board of nursing education & nurse			
registration:			
Personal services:			
Permanent	\$45,229		\$45,982
Other	1,914		1,714
Current expenses	16,500		13,600
Travel:			
In state	1,050		1,050
Out of state	1,200		1,200
Equipment	1,075		....
Other expenditures:			
Board members travel:			
In state	700		300

Benefits	3,964	4,094
Total for board of nursing education & nurse registration		
Estimated source of funds for board of nursing education:	\$71,632*	\$67,940*
Nursing education board revenue	\$71,632	\$67,940
*Other provisions of law notwithstanding, revenue received from fees shall be deposited with the State Treasurer as restricted revenue. Authority is hereby given to utilize so much as may be necessary of any surplus accumulated during prior fiscal years, as may be specifically approved by Governor and Council.		
VI Civil defense education:		
Personal services:		
Permanent	\$17,751	\$17,751
Other	1,000	1,000
Current expenses	4,900	4,900
Travel:		
In state	1,200	1,200
Out of state	600	600
Equipment	650	....
Other expenditures:		
Benefits	1,556	1,603
Total	\$27,657	\$27,054
Estimated source of funds for civil defense education:		
Federal	\$27,657	\$27,054

VII Program services instruction:

Personal services:

Permanent	\$463,706	\$467,255
Other	750	750
Current expenses	63,000	65,000
Travel:		
In state	17,000	17,000
Out of state	7,000	7,000
Equipment	10,000	7,000
Other expenditures:		
Follow through technical assistance	6,500	6,800
Business management support	23,000	23,000
Administration division support	12,000	12,000
Workshop & conferences	80,000	80,000
Benefits	36,180	38,025

Total for program services instruction

\$719,136  
\$723,830

Estimated source of funds for program

services instruction:

Federal	\$481,174	\$482,424
Transfer from vocational technical	22,000	22,000
General	215,962	219,406
Total	\$719,136	\$723,830

VIII Driver and safety education:

Personal services:

Permanent	\$20,430	\$20,430
Current expenses	2,500	2,500

Travel:			
In state	900		
Out of state	300		
Equipment	500		
Other expenditures:			
Conferences & workshops	2,000		
Benefits	1,622		
Total		\$28,252	\$27,818
Estimated source of funds for driver and safety education:			
Initial plate		\$28,252	\$27,818
IX Nursing scholarships:			
Personal services:			
Other	\$400		\$400
Current expenses	600		600
Other expenditures:			
Scholarship grants	50,000		50,000
Benefits	24		24
Total		\$51,024	\$51,024
Estimated source of funds for nursing scholarship:			
General		\$51,024	\$51,024

X War orphans scholarships:			
Grants	\$2,700		\$2,700
Total	\$2,700		\$2,700
Estimated source of funds for war orphans scholarships:			
General	\$2,700		\$2,700
XI Fire service training:			
Personal services:			
Permanent	\$17,598		\$17,691
Other	31,100		31,400
Current expenses	4,000		4,000
Travel:			
In state	1,300		1,300
Out of state	500		500
Other expenditures:			
Instruction aids and equipment	2,500		2,500
and transportation	1,542		1,617
Benefits			
Total	\$38,540		\$59,008
Estimated source of funds for fire service training:			
Transfer of federal funds from voca- tional education	\$29,270		\$29,504
General	29,270		29,504



1908

SENATE JOURNAL, 14JUN73

Total	\$58,540	\$59,008
XII Manpower development and training:		
Personal services:		
Permanent	\$46,500	\$47,030
Other	1,800	1,800
Current expenses	\$6,800	\$7,200
Travel:		
In state	1,500	1,500
Out of state	500	500
Equipment	1,300	450
Other expenditures:		
Projects & training programs	450,000	450,000
In service training programs	3,000	3,000
Transfer to business management	7,257	7,257
Benefits	4,040	4,266
Total	\$522,697	\$523,003
Estimated source of funds for manpower development and training:		
Federal	\$521,697	\$522,003
General	1,000	1,000
Total	\$522,697	\$523,003
XIII Post secondary administration & support:		

Personal services:			
Permanent	\$79,725		\$79,725
Other	3,300		3,300
Current expenses	16,000		16,500
Travel:			
In state	3,000		3,000
Out of state	2,500		2,500
Equipment	450		....
Other expenditures:			
Grants to post secondary institutions			
under federal regulations	77,167		76,282
Transfer to business management	12,104		12,675
Benefits	5,754		6,018
Total		\$200,000	\$200,000
Estimated source of funds for post			
secondary administration & support:			
Transfer from vocational technical			
education		\$200,000	\$200,000
XIV N. H. technical institute — concord:			
(a) Administration:			
Salary of director			
Other personal services:			
Permanent	\$18,085		\$18,085
Other	813,270		823,728
Current expenses	17,325		16,913
Travel:	279,282		285,337
In state	2,000		2,000

Out of state	1,200		
Equipment	3,200		
Other expenditures:			
Evening & summer school			
Evening & summer school advertising	29,000		
Grants to students	1,000		
Benefits	52,000		
	76,473		
Total		\$1,288,369	\$1,308,936
Estimated source of funds for administration:			
Federal		\$34,400	\$34,400
Board		99,175*	100,750*
Cafeteria		17,000	17,000
Evening & summer school		30,000	30,000
Miscellaneous		4,000	4,000
Tuition		155,500	173,300
General		948,294	949,486
Total		\$1,288,369	\$1,308,936
(b) Women's dormitory:			
Personal services:			
Permanent	\$11,687		\$12,272
Other	1,387		1,545
Current expenses	11,043		11,163
Other expenditures:			
Debt service	65,825		64,250

Fringe benefits	1,142	1,210
Total	<u>\$91,084**</u>	<u>\$90,440**</u>
Estimated source of funds for women's dormitory:		
Dormitory room revenue	<u>\$91,084**</u>	<u>\$90,440**</u>
**This appropriation shall not be transferred or expended for any other purpose. Debt service charges for the women's dormitory shall be from this special fund. Separate codes shall be established for this account and excess revenue shall be non-lapsing.		
Total	<u>\$1,379,453</u>	<u>\$1,399,376</u>
Estimated source of funds for N. H. technical institute — concord:		
Federal Board	\$34,400	\$34,400
Cafeteria	99,175*	100,750*
Dormitory revenues	17,000	17,000
Evening & summer school	91,084	90,440
Miscellaneous	30,000	30,000
Tuition	4,000	4,000
General	155,500	173,300
	948,294	949,486
Total	<u>\$1,379,453</u>	<u>\$1,399,376</u>

\*Authority is hereby granted for the N. H. Technical Institute to contract after competitive bidding, for the Institute's entire food service operation with a qualified food service caterer. The Institute is hereby authorized to expend from its receipts for board, received from students who contract with the Institute for meals, amounts sufficient to cover the meals furnished to the students by the





(b) Claremont:

Personal services:		
Permanent	\$324,660	\$327,654
Other	18,000	18,000
Current expenses	55,000	58,000
Travel:		
In state	3,000	3,000
Out of state	250	250
Equipment	14,500	5,000
Other expenditures:		
Evening & summer school	18,000	18,000
Grants — work study	5,000	5,000
Benefits	29,163	29,809
Total	<u>\$467,573</u>	<u>\$464,713</u>

Estimated source of funds for claremont:

Federal	\$4,000	\$4,000
Tuition	65,800	65,800
Miscellaneous	1,000	1,000
Evening & summer school	18,000	18,000
General	378,773	375,913
Total	<u>\$467,573*</u>	<u>\$464,713*</u>

(c) Laconia:

Personal services:	
Permanent	\$326,549
Other	3,200
Current expenses	60,000

Travel:			
In state	1,500		1,500
Out of state	250		250
Equipment	20,000		3,775
Other expenditures:			
Evening & summer school	13,400		13,400
Grants — work study	10,000		10,000
Benefits	27,982		28,548
Total		\$457,832	\$447,222
Estimated source of funds for laconia:			
Federal		\$8,000	\$8,000
Evening & summer school		13,400	13,400
Miscellaneous		400	400
Tuition		65,240	71,400
Vending		100	100
General		370,692	353,922
Total		\$457,832*	\$447,222*
(d) Manchester:			
Personal services:			
Permanent	\$399,795		\$404,865
Other	6,500		6,500
Current expenses	97,000		97,000
Travel:			
In state	1,000		1,000
Out of state	250		250
Equipment	14,000		7,000

Other expenditures:			
Evening & summer school	\$24,000		\$24,000
Grants — work study	7,500		7,500
Benefits	34,823		35,689
Total		\$584,868	\$583,804
Estimated source of funds for manchester:			
Federal		\$6,000	\$6,000
Cafeteria		22,000	24,000
Evening & summer school		24,000	24,000
Miscellaneous		400	500
Tuition		81,200	104,460
General		451,268	424,844
Total		\$584,868*	\$583,804
(e) Nashua:			
Personal services:			
Permanent	\$298,663		\$302,118
Other	10,000		10,000
Current expenses	52,000		54,000
Travel:			
In state	1,000		1,000
Out of state	250		250
Equipment	3,600		500
Other expenditures:			
Evening & summer school	15,000		15,000
Grants — work study	8,000		8,000

Benefits	25,828		26,485
Total		<u>\$414,341</u>	<u>\$417,353</u>
Estimated source of funds for nashua:			
Federal		\$6,400	\$6,400
Evening & summer school		15,000	15,000
Miscellaneous		500	500
Tuition		64,400	64,400
General		328,041	331,053
Total		<u>\$414,341*</u>	<u>\$417,353*</u>
(f) Portsmouth:			
Personal services:			
Permanent	\$291,891		\$293,112
Other	14,930		14,930
Current expenses	57,000		57,000
Travel:			
In state	1,500		1,500
Out of state	250		250
Equipment	8,725		8,390
Other expenditures:			
Evening & summer school	28,000		28,000
Grants — work study	8,000		8,000
Benefits	25,800		26,256
Total		<u>\$436,096</u>	<u>\$437,438</u>

## Estimated source of funds for portsmouth:

Federal	\$6,400
Cafeteria	8,500
Evening & summer school	28,000
Miscellaneous	100
Tuition	56,000
General	337,096
Total	<u>\$436,096*</u>

\$3,017,925\$3,003,420Estimated source of funds for N. H.  
vocational institutes:

Federal	\$38,800
Cafeteria	49,500
Evening & summer schools	119,400
Miscellaneous	2,400
Tuition	403,200
Vending	100
General	2,390,020
Total	<u>\$3,003,420</u>

\$38,800

51,500

119,400

2,500

437,060

100

2,368,565

\$3,017,925

\*In addition to the above appropriations the vocational and technical institutions shall receive for disbursement (1) any federal financial or other aid made available by the federal government as authorized by RSA 188-A:9 and (2) any actual excess over the estimate in the income of the vocational and technical institutes evening school, summer school and day tuition provided, however, that such institutions may disburse any such category excess with the approval of the Governor and Council only in connection with these services from which the excess arose, except for day tuition which shall be used in connection with current operating expenses.



XVI Administrative services:		
Personal services:		
Permanent	\$259,484	\$241,825
Other	7,900	5,400
Current expenses	35,000	35,000
Travel:		
In state	8,000	8,000
Out of state	3,000	3,000
Equipment	3,200	1,090
Other expenditures:		
Certification, professional standards conference & workshop	9,000	9,000
Grants to local units (professions development)	79,600	78,500
Benefits	22,501	20,926
Total	<u>\$427,685</u>	<u>\$402,741</u>
Estimated source of funds for administrative services:		
Federal	\$226,700	\$227,000
Transfers from other units	24,000	24,000
General	176,985	151,741
Total	<u>\$427,685</u>	<u>\$402,741</u>
XVII Program services — vocational technical:		
Personal services:		
Permanent	\$319,390	\$323,659

Other	7,600	
Current expenses	36,000	
Travel:		
In state	10,000	
Out of state	4,000	
Equipment	4,180	
Other expenditures:		
Grant programs		
Area vocational schools	300,000	
Apprenticeship training	40,000	
In service training institutions	60,000	
EPDA grant	25,000	
Local district grants	1,204,522	
Fire service training	29,270	
Post secondary administration	200,000	
Program services instruction	22,000	
Administration services	6,000	
Business administration	14,500	
In service, state & local	20,000	
Program development & information		
Benefits	8,000	
	26,424	
Total	\$2,335,684	\$2,536,594
Estimated source of funds for program services — vocational technical:		
Federal	\$1,898,561	\$1,898,495

1920

## SENATE JOURNAL, 14JUN73

General  
638,099  
\$2,536,594

473,123  
\$2,335,684

## XVIII School nutrition:

## Personal services:

## Permanent

## Other

## Current expenses

## Travel:

## In state

## Out of state

## Other expenditures:

## School lunch special assistance

## School lunch

## School milk

## Child feeding

## Non-food assistance

## School breakfast

## Summer camp

## Data processing expense

## Benefits

## Total

## Estimated source of funds for school nutri-

## tion:

## Federal

\$49,291  
 8,800  
 10,700  
  
 3,600  
 900  
  
 729,000  
 1,615,400  
 559,300  
 341,600  
 76,600  
 107,400  
 55,000  
 6,700d  
 4,545

\$3,568,836

\$3,296,300

General	218,013	272,536
Total	<u>\$3,115,513</u>	<u>\$3,568,836</u>

XIX Vocational rehabilitation:

(a) Institutions:		
Personal services:		
Permanent	\$391,314	\$408,746
Other	10,000	10,000
Current expenses	7,500	7,700
Travel:		
In state	9,100	9,700
Out of state	3,000	3,200
Other expenditures:		
Rehabilitation services	\$175,400	\$170,393
Benefits	35,316	36,886
Total	<u>\$631,630*</u>	<u>\$646,625*</u>

Estimated source of funds for institutions:

Federal	\$631,630	\$646,625
(b) Field operations:		
Personal services:		
Permanent	\$338,403	\$346,024
Other	30,000	31,500
Current expenses	39,900	41,400
Travel:		
In state	21,100	22,300
Out of state	2,500	2,700

Equipment	3,470	....	
Other expenditures:			
Rehabilitation services	1,070,000	1,305,500	
Benefits	30,270	32,281	
Total			\$1,781,705*
Estimated source of funds for field operations:			
Federal			\$1,422,422
Other			....
General			359,283
Total			\$1,781,705
(c) Blind services:			
Personal services:			
Permanent	\$81,303	\$81,600	
Other	1,000	1,000	
Current expenses	14,000	14,800	
Travel:			
In state	5,500	5,500	
Out of state	1,000	1,200	
Other expenditures:			
Rehabilitation services	\$98,300	\$108,600	
Benefits	7,070	7,199	
Total			\$219,899*



## Estimated source of funds for blind serv-

ices:

Federal  
General\$132,767  
75,406\$140,987  
78,912

Total

\$208,173

\$219,899

## (d) Social security disability insurance:

Personal services:

Permanent

\$215,635

Other

55,040

Current expenses

33,881

Travel:

In state

2,050

Out of state

5,535

Equipment

7,848

Other expenditures:

Rehabilitation services

136,000

Benefits

19,501

\$249,819

58,752

39,660

3,250

7,185

4,318

147,600

22,662

Total

\$475,490

\$533,246

Estimated source of funds for social security  
disability insurance:

Federal

\$475,490

\$533,246

## (c) Social security trust funds:

Personal services:

Permanent

\$26,869

Current expenses

3,500

\$27,536

3,800

Travel			
In state	3,000		3,200
Out of state	1,000		1,300
Equipment	900		....
Other expenditures:			
Rehabilitation services	92,800		97,800
Benefits	2,431		2,464
Total		\$130,500	\$136,100
Estimated source of funds for social security trust funds:			
Federal		\$130,500	\$136,100
(f) Workshop:			
Personal services:			
Permanent	\$82,267		\$84,721
Other	22,000		22,000
Current expenses	47,000		50,000
Travel:			
In state	2,000		2,000
Out of state	800		1,000
Other expenditures:			
Benefits	7,171		7,702
Total		\$161,238*	\$167,423*
Estimated source of funds for workshop:			
Federal		\$74,251	\$77,239

General	86,987	90,184
Total	<u>\$161,238</u>	<u>\$167,423</u>
(g) Training of teachers of handicapped: Other expenditures: Grants	\$65,000	\$65,000
Total	<u>\$65,000</u>	<u>\$65,000</u>
Estimated source of funds for training of teachers of handicapped: Federal	\$65,000	\$65,000
(h) Administration services: Personal services: Permanent	\$175,394	\$179,593
Current expenses	37,000	39,000
Travel:		
In state	5,100	5,100
Out of state	2,900	2,900
Equipment	\$4,000	....
Other expenditures:		
In service training	16,000a	20,000a
Transfer to business management	54,550	58,264
Transfer to administration division	6,000	6,000
Personnel department — examina- tion	4,233a	4,226a
Data processing services	45,000d	50,000d

Benefits	14,596	15,283
Total	<u>\$364,773</u>	<u>\$380,366</u>
Estimated source of funds for administration services:		
Federal	\$329,373	\$343,416
General	<u>35,400</u>	<u>36,950</u>
Total	<u>\$364,773</u>	<u>\$380,366</u>
Total	<u>\$3,572,447</u>	<u>\$3,930,364</u>
Estimated source of funds for vocational rehabilitation:		
Federal	\$3,068,501	\$3,365,035
Other	<u>10,800</u>	<u>....</u>
General	<u>493,146</u>	<u>565,329</u>
Total	<u>\$3,572,447</u>	<u>\$3,930,364</u>

\*Funds appropriated in accordance with the provisions of the Federal Civilian Vocational Rehabilitation Act shall not lapse, but shall be carried over to the following year for the purpose of earning additional federal matching funds.

XX Program services — voc. rehabilitation:

(a) Special education:

    Personal services:

        Permanent

        Other

    Current expenses

\$86,260	\$87,429
13,280	13,280
12,000	12,500

Travel:			
In state	5,000		
Out of state	1,600		
Other expenditures:			
Grants to local education agencies	117,400		
Education of handicapped	700,00		
Voc. rehabilitation blind services	98,700		
Benefits	6,793		
Total		\$1,041,33	\$1,045,751
Estimated source of funds for special educa-			
tion:			
Federal		\$191,300	\$190,900
General		849,733	854,851
Total		\$1,041,033	\$1,045,751
(b) Work study programs:			
Personal services:			
Permanent			
Current expenses	\$180,736		\$189,354
Travel:	11,200		12,100
In state	11,100		11,800
Out of state	2,600		2,800
Equipment	11,300		....
Other expenditures:			
Work study grants	250,100		264,000



Benefits	16,764	17,446	
Total	<u>\$483,800</u>	<u>\$497,500</u>	
Estimated source of funds for work study programs:			
Federal	<u>\$483,800</u>	<u>\$497,500</u>	
Total	<u>\$1,524,833</u>		<u>\$1,543,251</u>
Estimated source of funds for vocational re-habilitation — program services:			
Federal	<u>\$675,100</u>		<u>\$688,400</u>
General	<u>849,733</u>		<u>854,851</u>
Total	<u>\$1,524,833</u>		<u>\$1,543,251</u>
Total for department of education	<u>\$32,602,835</u>		<u>\$34,501,706</u>
Estimated source of funds for department of education:			
Federal	<u>\$14,016,906</u>		<u>\$15,354,802</u>
Other	<u>3,395,524</u>		<u>3,645,608</u>
General	<u>15,190,405</u>		<u>15,501,296</u>
Total	<u>\$32,602,835</u>		<u>\$34,501,706</u>

Amend the bill by striking out section 52 and inserting in place thereof the following:

52 Higher education facilities commission:

Personal services:

Other

Current expenses

Travel:

In state

Out of state

Other expenditures:

Benefits

Total for higher education facilities commission:

Estimated source of funds for higher education facilities commission:

Federal

Amend the bill by striking out section 54 and inserting in place thereof the following:

54 New Hampshire network:

Total

Estimated source of funds for new Hampshire network:

Federal

Council dues

Membership gifts

FISCAL 1974

\$15,902

2,000

800

1,200

672

\$20,574

\$20,574

FISCAL 1974

\$918,900

\$40,000

60,000

75,000

FISCAL 1975

\$15,902

2,000

800

1,200

672

\$20,574

\$20,574

FISCAL 1975

\$918,900

\$40,000

60,000

75,000

School districts	92,000
Special projects	101,900
General	550,000
	<hr/>
Total	\$918,900
	<hr/>

Amend section 56, I of the bill by striking out the same and inserting in place thereof the following:

I University of new hampshire — dutham:

Total	\$35,003,400
	<hr/>
Estimated source of funds for durham:	
Federal	\$191,000
Auxiliary enterprises	7,178,300
Other	13,569,000
Sponsored res. & education program	5,000,000
General	9,065,100*
	<hr/>
Total	\$35,003,400
	<hr/>

\*The State appropriation includes \$530,000 in fiscal 1974 and \$549,000 in fiscal 1975 to be used to reduce in state tuition from \$950.00 to \$855.00 per academic year. These funds shall not be used for any other purpose.

Amend section 56, II of the bill by striking out the same and inserting in place thereof the following:

II Keene state college:

Total	\$5,658,083
	<hr/>

\$5,771,584

Estimated source of funds for keene state college:

Federal	\$18,800	\$19,000
Auxiliary enterprises	1,703,400	1,792,400
Other	2,182,000	2,260,000
General	1,753,883	1,700,184
Total	<u>\$5,658,083</u>	<u>\$5,771,584</u>

Amend section 56, III of the bill by striking out the same and inserting in place thereof the following:

III Plymouth state college:  
Total

\$5,534,177

Estimated source of funds for plymouth:

Auxiliary enterprises	\$1,860,300	\$1,961,400
Other	2,042,380	2,131,636
General	1,631,497	1,566,791
Total	<u>\$5,534,177</u>	<u>\$5,659,827</u>

Amend section 56, IV of the bill by striking out the same and inserting in place thereof the following:

IV Merrimack valley branch:  
Total

\$779,865

Estimated source of funds for merrimack valley branch:  
Auxiliary enterprises

\$45,000

\$47,700

Other	89,000	690,915
General	145,265	101,701
Total	<u>\$779,865</u>	<u>\$840,316</u>

Further amend section 56 of the bill by striking out the lines "Total for higher education fund \$54,786,070 + \$56,013,757 +, Estimated source of funds for higher education fund: Federal \$1,543,700 \$1,473,900, Other \$36,145,033 \$36,580,703, General \$17,097,337 \$17,959,154, Total for higher education fund \$54,786,070 \$56,013,757" and inserting in place thereof the following:

Total for higher education fund	<u>\$55,123,570 +</u>	<u>\$56,914,958 +</u>
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Estimated source of funds for higher education fund:

Federal	\$1,543,700	\$1,473,900
Other	36,145,033	37,144,404
General	17,434,837	18,296,654
Total for higher education fund	<u>\$55,123,570</u>	<u>\$56,914,958</u>

Amend section 58 of the bill by striking out the same and inserting in place thereof the following:

FISCAL 1974 FISCAL 1975

58 Summary:

I Total appropriation for general government as included in sections 2 thru and including 10

\$19,202,689	\$20,898,075
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Estimated source of funds for general government as included in sections 2 thru and including 10

Federal	\$6,188,619	\$6,651,619
Highway	159,579	164,552
Other	1,853,362	2,115,616
General	11,001,129	11,966,288
Total	\$19,202,689	\$20,898,075

II Total appropriation for administration of justice and public protection as included in sections 11 thru and including 32

	\$25,671,093	\$26,212,102
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Estimated source of funds for administration of justice and public protection as included in sections 11 thru and including 32

Federal	\$580,084	\$633,209
Highway	6,259,248	6,394,722
Other	3,514,159	3,999,447
General	15,317,602	15,184,724
Total	\$25,671,093	\$26,212,102

III Total appropriation for resource protection and development as included in sections 33 thru and including 37

	\$13,018,463	\$14,179,585
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Estimated source of funds for resource protection and development as included in sections 33 thru and including 37

Federal	\$793,870	\$732,395
Fish and game	2,253,486	2,360,169
Other	3,371,214	3,437,799
General	6,599,893	7,649,222
Total	<u>\$13,018,463</u>	<u>\$14,179,585</u>

IV Total appropriation for transportation as included in sections 38 thru and including 43

	<u>\$88,451,954</u>	<u>\$88,788,044</u>
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Estimated source of funds for transportation as included in sections 38 thru and including 43

Federal	\$25,382,400	\$25,382,400
Highway	55,080,142	55,701,089
Other	7,377,709	7,094,588
General	611,703	609,967
Total	<u>\$88,451,954</u>	<u>\$88,788,044</u>

V Total appropriation for health and social services as included in sections 44 thru and including 48

	<u>\$80,770,193</u>	<u>\$84,254,781</u>
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Estimated source of funds for health and

social services as included in sections  
44 thru and including 48

Federal	\$37,918,191	\$37,843,620
Other	4,746,216	4,853,201
General	38,105,786	41,557,960
Total	<u>\$80,770,193</u>	<u>\$84,254,781</u>

VI Total appropriation for education as in-  
cluded in sections 49 thru and includ-  
ing 56

	<u>\$90,525,880</u>	<u>\$94,119,652</u>
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Estimated source of funds for education as  
included in sections 49 thru and in-  
cluding 56

Federal	\$15,995,280	\$17,263,376
Other	41,156,266	42,309,834
General	33,374,334	34,546,442
Total	<u>\$90,525,880</u>	<u>\$94,119,652</u>

Total appropriation for HB 888 as included  
in sections 2 thru and including 56

	<u>\$317,640,272</u>	<u>\$328,452,239</u>
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Estimated source of funds for HB 888 as in-  
cluded in sections 2 thru and including  
56

Federal	\$86,858,444	\$88,506,619
Fish and game	2,253,486	2,360,169
Highway	61,498,969	62,260,363

Other	62,018,926	63,810,485
General	105,010,447	111,514,603
		<hr/>
Total	\$317,640,272	\$328,452,239
	<hr/>	<hr/>

Amend section 68 of the bill by striking out the same and inserting in place thereof the following:

68 Additional Attorneys-General. Amend RSA 7:16 as amended by striking out in line two the word "fourteen" and inserting in place thereof the word (sixteen) so said section as amended shall read as follows:

7:16 Assistant Attorneys-General. The attorney-general, subject to the approval of the governor and council, may appoint sixteen assistant attorneys-general, each of whom shall hold office for a term of five years. Any vacancy in such office may be filled for the unexpired term. An assistant attorney-general may be removed only as provided by RSA 4:1.

Amend section 74 of the bill by striking out paragraphs II and III and inserting in place thereof the following:

II. July 6, 1973, Pay Date. On July 6, 1973, all employees and officials of the state shall be paid for work performed for the period June 22, 1973 through July 5, 1973, inclusive, provided that such payment shall be deemed to be in payment for work performed for the period June 8, 1973, through June 21, 1973, inclusive.

III. Termination of Employment prior to June 30, 1974. Any person who has been paid pursuant to paragraph II whose employment is terminated for any reason prior to June 30, 1974, and who has on the date of such termination not been employed continually by the state for the twelve months immediately prior to such date shall not receive any further pay for the final two weeks of his employment but the payment made to him on July 6, 1973, shall be payment for said final two weeks work.

Further amend section 74 of the bill by striking after paragraph VI the following:

VII. All permanent hourly employees paid on a two week delay basis in the Department of Public Works and Highways shall be entitled to an additional two weeks pay of not more than eighty hours. All permanent hourly employees paid on a one week delay basis in the Department of Public Works and Highways shall be entitled to an additional one weeks pay of not more than forty hours. All day rate employees paid on a two week delay basis in the Department of Public Works and Highways shall be entitled to an additional two weeks pay of not more than ten days.

There is hereby appropriated the sum of four hundred fifty eight thousand nine hundred five dollars and fifty four cents to provide funds for the additional payments and the governor is hereby authorized to draw his warrant on any funds not otherwise appropriated in the highway fund.

Amend the bill by striking out all after section 74 and inserting in place thereof the following:

75 Aid to Families with Dependent Children Contingency Fund. There is hereby established a fund in the Division of Welfare, Department of Health and Welfare from which transfers may be made to the aid to families with dependent children account. Transfers from this fund shall be made only upon the request of the Director of the Division of Welfare to the governor and council after consultation with the Fiscal Committee and upon a finding by the director and the governor and council that such transfer is necessary to provide eligible recipients with a reasonable subsistence compatible with decency and health, and after said finding, upon approval of the governor and council.

76 Appropriation. There is hereby appropriated for the purposes of section 75 above the following:

Aid to Families with Dependent Children Contingency Fund:

	FISCAL 1974	FISCAL 1975
Grant	\$2,635,046*	\$3,162,055**
Estimated source of funds:		
Federal	\$1,635,046	\$1,962,055
General	1,000,000	1,200,000
Total	\$2,635,046	\$3,162,055

\* Any balance in this appropriation at June 30, 1974 shall lapse.

\*\* Any balance in this appropriation at June 30, 1975 shall lapse.

77 Effective Date. This act shall take effect July 1, 1973.



Sen. TROWBRIDGE: Mr. President, I think it's interesting that we have met our deadline of coming in on June 14 with our budget, and I'd like to thank Arthur Drake and his committee. I contemplated as to how to present the budget to you today and we've had several discussions. One of the big disappointments of this session has been the fact that we did not follow through on carrying the so-called "penny budget process" to its completion. As you will recall, Governor Peterson had a new budget format set up and although both the House and the Senate used them in their formulation, we have been forced to conform to and match up with the old form of the budget as shown by the former budget. It was for this reason that I put a recap on your desks of how you have to compare the Governor's budget at two hundred and three million to the Senate version of two hundred and sixteen million. In the Senate version of the budget we have been in a situation whereby we have put in a certain amount of items that were left out of the House budget. A lot of the work that we do is plain cleaning up mistakes. For instance, we had to put in thirty thousand dollars for electricity to help the welfare building just because no one provided for the amount of money to spend for that. We have been badgered by the comptroller to give an extra laborer out at the archives building because the only person there who can move the boxes is a lady who has no help. Of more significance perhaps, Roy Lang, in the discussion of the A. D. Little Report, agreed with the A. D. Little report that there was no money in his system where he could train middle management people to become supervisors. So in his budget we have added some \$22,000 for people who will become supervisors.

The Central Library Services has caused me to receive a great deal of mail bemoaning the cut that has been made in the library consultant services which service the local libraries. We have restored those consultants. We did make a ceremonial cut in the central library services in order to show department heads that when they get a cut in federal funds what they always do is lop off those people who work out in the field. They rarely cut their own central staff. We understand that game and we have cut their central staff, but we are doing it ceremonially.

On page ten of the Business Profits Tax there is a considerable amount of money being spent. There is \$255,000 there, as opposed to \$254,000. Evidently Mr. Jones at the Business Profits Tax, if he went on a raid of the Business Profits Tax

today, they wouldn't be able to find the files because they aren't filed. They have a stack of returns sitting in boxes unfiled. So that there are some three filing clerks being authorized in this budget and an out-of-state audit of the big corporations whose success of the B.P.T. have to report the profit of their corporations in New Hampshire: So there will be three auditors there as trainees who will come into the central core allowing the experienced men to go out into the field and last year Mr. Blake reports that he believes these audits were responsible for bringing in some seven hundred thousand dollars in additional revenue. So this is a good investment. This is the kind of thing we're doing.

I think you should know that we had a discussion in the State Treasurer's office about how we can automate the check payments and how we can come around to "payless pay day." One of the problems has been that we need a piece of equipment that can read certain identification numbers and then print checks. So that \$24,000 item is in the treasurer's budget on page eleven as equipment. Another item to show the difficulty here of making sure we've done everything is in the treasurer's office where there is an item of 64 thousand dollars for the hospital and group life insurance. This is for the Blue Cross /Blue Shield payments for the old and retired employees. Mr. Flanders came in and said that if no one else would pick up this expense put it in my budget. And that's what we had to pick up. On page fifteen you'll see something which further amends section thirteen. You'll see a figure there for \$22,694 and I must say that the extra money is \$11,114 of rent that has to be paid for the lab building. This is the kind of cross current transfer that has to be put in. We have added one new pesticide inspector, there was only one in the state and we have this control by law but no one enforcing it. So we put in a pesticide control inspector. On page 17 there are two items of interest. In the Attorney General's budget we have added \$20,000 as a special fund for the Boston and Maine Railroad litigation which has been going on continuously trying to collect back taxes and to make sure that if the bankruptcy occurs that we get the right-of-way. And also the New Hampshire-Maine boundary litigation. We have put \$25,000 in there to Finance what we were asked to by the Attorney General as being the possible cost of the boundary dispute. But that is there as to what a full supreme court hearing etc. would come to.

In the criminal justice division on p. 18 we have put in one more. Unlike most states the Attorney General is the district attorney for the entire state and the case load just in the criminal area is so high that he has asked for one more attorney and that accounts for \$17,000.

With the Commission on the Status of Women we had a good deal of persuasion. We allotted an extra \$7,500. The New Hampshire Apprenticeship Council is the only area of any input that I can recall from the labor side of this state. They were very much in favor of continuing and upgrading of the Apprenticeship Council. We have done that.

On page 21, revenue collection within the Liquor Commission. In the Liquor Commission we have authorized three stores. Now once you do that you have to put in the employees and that would be around \$50,000. Also the income will go up a lot more. The extra income will go up an estimated \$600,000. One thing we have got and it's related to the University. We had put an extra \$100,000 in the Liquor Commission per year to compensate the Liquor Commission for the work they do in selling sweepstakes tickets. In previous years they've said, we'll give you a hundred thousand dollars for the work you do and temporary help. But then the Appropriations Committee has then deducted a hundred thousand dollars from their budget. So that they end up with zero. We've been persuaded by the Liquor Commission that we should put in the hundred thousand dollars because there is an actual cost there although it can't be computed as full time help because both of the employees do not work selling sweepstakes tickets full time. So there is two hundred thousand dollars that we are actually in per biennium for the Liquor Commission that wasn't there. On page 22 the Board of Probation, we were persuaded that there were five probation officers now being supported 50-50 with local communities. These probation officers are working with juveniles out of the district courts and half of it is borne by the city and half of it is borne by the fiscal appropriation here. We feel that that has been working well and that those who want to keep the 50-50 match may. An extra \$30,000 has been put in for the Domestic Relations Probation Department for four positions because they are the ones who are working to help families that are split and especially to get support payments up. They work with the Welfare Department looking for people who haven't made support payments.

The Real Estate Inspection Commission on page 23, we have allowed an investigator. At present there is no one to investigate complaints other than the commission themselves and they are part time. On page 24, most of these items are items that were left out. These are temporary help that Fred Clarke uses in Motor Vehicle for summertime help and for the question that comes on getting the license plates out at a given time. This would be temporary help. Now on page 26 we get into the State Police. And there is one big item on p. 28 at the very end where you'll see the implementation of trade. This program is a hard one to grab hold of because it's there now and in operation and we had difficulty because we couldn't find out who was responsible. Was it C.D.P. who does a good deal of it? Was it the State Police? Or was it the cities and towns who have the units? We finally got agreement that the State Police would have this be their primary responsibility. This is the means by which a local community can link to the computer, from that computer could link to Washington, and could trace a stolen car by computer within minutes whereas before it would take a lot of paper work to do it. All of general fund money that would be required is \$22,500 to pay for our share of the phone lines that are necessary. The rest of the cost would be the Crime Commission. The Crime Commission plans to purchase all equipment rather than rent it because it will be cheaper.

On p. 31 is the State Prison. On the item that is raised from \$127,000 to \$133,000 is because Warden Vitek asked for more food. In the State Prison they've added an assistant parole officer and they've added some current expense because now the trustee's are meeting much more often to satisfy the court requirements and so they have far more meetings. We were able to save some money in the prison industry on the bottom of p. 31. It had been \$150,000 for materials and of course since we are not going to have full license plates you only need the materials for the new plates and the replacement plates so we've got that to \$75,000. On page 32 in the middle of the page you'll see a section for current expense and again that's for food at the Industrial School. It is an increase of \$7,000 this year.

In Fish and Game on p. 33 we have been able to add a good deal because we believe that the fees are going to be sufficient and we are spending the money here. On the theory that there will be some extra income we have spent some of it. I recognize that this is subject to that bill and it would be adjusted if that



were not to pass. But we thought that once the House passed it we'd put in our input as to what we would restore if the funds were there. And in doing so we have taken their priorities.

Now on page 37, *DRED*, we have quite a good deal of changes. They are mostly maintenance problems that the parks have, current expenses, travel and moving around they go in places for this, but by and large the two biggest items are those on page 38, an increase to \$237,000 for the advertising, printing and branch offices. That's up about \$32,000. At the present time New Hampshire spends on its advertising and promotion on tourism less than any other state that has the tourist potential. The state of Utah which is about the same size as New Hampshire in this regard spends 11 times as much on promotion. And also an American Airlines executive just spoke to the New England Council and he says that New England as a whole is losing the battle for the tourist dollar in that everyone else likes Bermuda who are really going after the tourist. So we thought a modest increase in brochures and literature was a correct thing to do.

Now in the Parks we gave Gus Gilman finally his back hoe tractor that he's been asking for. That is \$18,000 but that's in the budget for all of the work that they do in maintaining the Parks and Recreation area.

On page 42 on the Water Resources Board we had to put in \$14,500 of rent which was not in their budget and they're having to move. We've also added \$11,000 for one extra civil engineer because Verne Knowlton is saying that he can't possibly keep up with the demands. On page 44 we did cut \$500,000 in the Water area because the testimony was that the Water Pollution Board would not be able to spend in the second year of the biennium all of this money and that probably it will last. So we took \$500,000 out and took it down to three million, five hundred ninety seven, in the second year.

There aren't too many changes in the Public Works area. I would like to mention the Cancer Commission although we're only going up \$14,000 a year. The Cancer Commission is a very hard working group and they are giving \$109,000 of hospitalization for the two hundred or so patients who they serve.

Again, in the Laconia State School we did restore the librarian (p. 49). In our budget, we reduced the personal services for



the New Hampshire Hospital for the custodial and professional people by \$500,000 over the two years. The House had already cut the original requirement of Major Wheelock, the House cut it as they said the men needed couldn't be hired that fast. On page 51, Aid to Families of Dependent Children we cut the budget by \$1,000,000 in the first year and \$1,200,000 in the second year and then reappropriated it later in section 75 and 76. That was on the basis that we thought that there is a chance that the efforts on cracking down and the passage of HB 878 would probably reduced the eligible case load.

On page 52 you would see a decrease there of some \$500,000 from the House version because we cut the medical assistance payments. Instead of going up to \$17 a day and \$22 dollars a day in nursing homes a 60 to 70% rise in one year, we cut it to \$20 dollars a day for the regular care and the intensive care which is at least a 50% rise in all categories for each nursing home.

On the Commission on the Arts we added some people there. This is a very popular program.

Now on page 55 we come to the Education field which I'm going to skip over because our friends, Senators Smith and Green, are the real experts in that field and they can take you through that. I'm going to skip now to the end of Education where we come to the University of New Hampshire at Durham. (p. 77) We'll be hearing more about this today as well but I do want to say now what the Senate Finance Committee did and its reason and then we can discuss the thing later. We were convinced that the House version of the budget merely represented a maintenance program for the University and it did not give them a real chance to do anything on new programs for anything to do on the problem that they have of inequities in the system for salary adjustments, which is a growing thing. They need some money to determine those differences.

We had intended to put an extra \$600,000 into the Durham Campus, especially for their programs of out-reaching to the community, for conservation commissions and all of those things they are trying to do. But as we were doing this we found that the revenue estimate of their other income was \$500,000 too low. We don't know why it was incorrect in the House version. Being under pressure we simply said that if they have an extra \$500,000 we'll only give them \$100,000 instead of six. I think there is a fallacy to that argument. That explains the extra

\$400,000 that is split evenly between Keene and Plymouth over the biennium. I'm sure we will have further debate on the issue. We also gave the Merrimack Valley Branch \$37,500 each year because most of the funding of the Merrimack Valley Branch is coming out of the Durham Campus and their budget. What we wanted to do is give the Administrators at the Merrimack Valley Branch some of the money that they want for their own program to be able to set up something there that isn't all dependent upon the status of the Durham budget. So on p. 79 you come to the summary totals. You can see that we have an amount of \$105,000,000 in the general fund in the first year and \$111,514,603 in the second year. Now you turn to p. 82 and you come to the Families of Dependent Children Contingency Fund. We, in Senate Finance, were quite receptive to the ideas that there may very well be more going into AFDC than if necessary, however what we did not want to do is just cut the budget and have it cut across the board to every welfare recipient regardless of whether they are completely eligible or not, because then you are throwing the good out with the bad. So what we wanted to do is to have it set that we had appropriated enough money to do the job right, assuming the caseload is as the Department says it is. So we take the extra two and one half million with its attendant federal funds and we appropriated that transfers from the budget shall be made only upon the request of the director of the Division of Welfare to the Governor and Council. They would then have to consult with the Fiscal Committee and upon the finding by the director and the Governor and Council that such a transfer is necessary to provide eligible recipients with a reasonable assistance for decency and health.

The idea would be that the Department would do its best to weed out its eligibles, but if they found that this wasn't weeding out and there weren't fewer caseloads then as they came around to March or April and began to run out of money this fund would be available and sitting there and there is no question that we have appropriated it. I have been told that people would say why don't you cut it and we could always come back in special session if we need it. I don't go for that. I would like to say to someone that was eligible, "no, we didn't shortchange you — the money is there." This way there really is no risk involved and yet in this thing if you want to say what the expected level of spending that we are talking about on the level is on p. 77 or 80.

Sen. FERDINANDO: Sen. Trowbridge what was the amount of the House budget?

Sen. TROWBRIDGE: Two nineteen point five million.

Sen. FERDINANDO: Are we talking here of two sixteen million.

Sen. TROWBRIDGE: Yes.

Sen. JACOBSON: On Section 75 and 76 is that 2.2 included in the two sixteen?

Sen. TROWBRIDGE: No, it is not.

Sen. JACOBSON: So then as a matter of fact with the reservation it is two eighteen?

Sen. TROWBRIDGE: Yes, there is no question. But with the reservation it is saying that you can't spend it for anything else.

Sen. JACOBSON: As I understand it just for the record the thirty eight positions that we requested for the Department of Education, I understand thirty two have been restored and six have been plugged in elsewhere. Is that correct?

Sen. TROWBRIDGE: That is correct.

Sen. JACOBSON: There has been a reduction in the Child Benefit Services. Is that not correct?

Sen. TROWBRIDGE: That is correct.

Sen. JACOBSON: So that in the event that the federal funds do come forward that \$400,000 then would not be spent in state funds and would ultimately lapse?

Sen. TROWBRIDGE: Yes.

Sen. JACOBSON: With regards to the liquor stores, I think you have explained it to me that the legislative budget has the record of where the liquor stores are going. But for the record will you state where the liquor stores are going?

Sen. TROWBRIDGE: Yes, I will. This is our recommendation, which remains a recommendation until it passes. Our intention is that the first year there will be a store in Raymond, West Lebanon and there is a store in the Fitzwilliam-Troy area. In the second year we have a store in New London and one in Winchester recommended.

Sen. JACOBSON: That is the Senate version?

Sen. TROWBRIDGE: Yes.

Sen. BRADLEY: Is there anything about the local community Mental Health Center?

Sen. TROWBRIDGE: Yes, there is a good deal of it. But we didn't change that at all. It remains a million and two extra in Community Mental Health.

Sen. BRADLEY: Was the original appropriation sufficient for that?

Sen. TROWBRIDGE: Yes.

Sen. BRADLEY: And the Governor's recommendation was substantially less on that figure?

Sen. TROWBRIDGE: He appropriated about the same amount.

Sen. FERDINANDO: As far as the University of New Hampshire is concerned, what have we done?

Sen. TROWBRIDGE: The University is running now at about the rate of 29 million dollars of general funds per biennium. What has been recommended here is about \$36,000,000 per biennium. Which is about 36 or 37 percent of their total budget. Now in between they've added on the equivalent of Amherst College. So that we have on all three campuses plus the Merrimack Valley Branch that amount.

Sen. FERDINANDO: How much more is this compared to the House budget?

Sen. TROWBRIDGE: We have added on this particular bill \$500,000 for the University. We intended to go up one million then we found another \$500,000.

Sen. TROWBRIDGE: I know that there are amendments coming and what I would appreciate would be if the Senate would adopt the committee amendment so it's on second reading and open to further amendment then the other amendments would be offered and everything would be arranged.

Sen. SANBORN: Mr. President, I would like to request that Sen. Green does explain some of the amendments that we made in the Education Department before we vote on the



amendment because some of these amendments do cover some of the local areas that people will be interested in.

Sen. GREEN: If you will turn to page 55, you will see the section on Education. I'd like to talk about what this budget looks like in reference to the original request from the Board of Education, the Governor's Budget and HB 888 and the Senate Amendment version. On the final page of Education you will find the totals. Based on those figures for 1974 which is \$32,602,-835 and in 1975 it was \$4,501,706. The general fund for 1975 was \$15,190,000 and for 1975 it was \$15,501,000. That figure is approximately \$200,000 less than the House version of HB 888. It is approximately \$681,000 less than the Governor's Budget which he presented. It is approximately \$2,000,000 less than requested by the Board of Education. So you will find that what we have done is that we have not increased the budget per se but we have made a realignment of priorities, and each of these realignments have been negotiated with the people involved. Based on the priorities that we dealt with we've done the following. On financial aid there is a figure there that I wanted to deal with. You will notice that there is a figure there of \$445,787. That particular figure is to pick up the lost positions. That is for only thirty two of the thirty eight positions that have been lost. You also might want to look at the dual enrollment figure which has been decreased from the House version to four forty and this decrease is based on the need. So here we have a reduction which I feel should be noted.

You will notice that the next noticeable change is in the area of Fire Service Training which in your particular document is on p. 61 and it adds an increase there of about \$10,000 for an extra person to get involved in that service.

Now on the Technical School, at the Concord Technical School or Institute there was a change in personnel and it had to do with dormitory personnel. Now when you get to the area of Berlin there is an increase there which will go into effect in the second year. In Claremont there is also a slight increase. This increase is in personnel. In Laconia we added an extra person to deal with a Fire Instruction Program. In the Manchester budget which starts on p. 66, you will find that there is an increase in that particular budget for both years and the reasons that that increase is there is that a coordinator and two proctors have been hired. In the Portsmouth areas we increased



their area of expenses only. In the Nashua area the same thing was true. Their only real urgency request was to pick up additional money for other personnel. Under Grant Programs there is a program there that is called the Area Vocational School. The Governor requested \$400,000 each year and in order to get these programs going this grant was necessary. So after discussion we decided that \$400,000 probably could be reduced during the first year. And for the second year we raised it to \$500,000. So there is a request for a million dollars for the biennium. In the next section dealing with nutrition there was a slight increase. We worked on the philosophy in the committee that if the federal money were there and it was one hundred percent funded, we didn't see why the state should allow any money.

Now there is a section in here that I think I'd like to point out to you, and that's on p. 74, under Special Education. In that particular section of the budget, Senate Finance cut area thinking at the time that we had a Senate bill that was in the House that would pay tuition for handicapped children going out of the school district. In that particular bill we made it very clear that no other state money would be used for tuition costs. So if that bill passes this figure is really dependent upon that particular bill passing, because we have cut the House budget. If the Senate Bill 76 passes, the money that is in the budget now is only to be used for the encouragement of the local school districts to provide special education programs. That figure had been introduced in the House and gives us a figure of one point four million for the biennium. This also ties directly to SB 76 making available the funds to transport tuition students. What has happened in the past is that this particular item in the budget has been used mostly for tuition. So that was a change that I wanted to point out. Those basically are the real key changes. I hope that we have satisfied the majority of the needs. I know there are people who felt that they didn't see everything that they would have like to have seen in it.

Sen. FERDINANDO: Did you say that this was 11 hundred thousand less than the budget of the Governor?

Sen. GREEN: Six hundred and eighty one thousand would be more exact.

Amendment Adopted.

Sen. Jacobson moved the following amendment.

## AMENDMENT

Amend section 63 of the bill by striking out the same and inserting in place thereof the following:

63 Estimated Federal Funds. If under any appropriation in section 2 through 52, excluding section 32, the federal grant received is less than estimated, the total appropriation shall be reduced by the amount of reduction in federal estimates and the applicable state matching funds. If the applicable state matching funds are included in a section or sections other than the section or sections in which the federal grants are estimated the appropriation reductions shall be made in the applicable sections. The provisions of this section shall not apply to revenue sharing funds.

Sen. TROWBRIDGE: This relates to the diagnostic help that has been given at the Industrial School, and we were informed in Senate Finance that it was more than likely that the Crime Commission Funds would be continued so that we would not have to put in anything to support that. Now Councilor Bridges who is on the Crime Commission Board came in today saying that he thought that they were not going to continue the fund. I wish they had told us. Dr. Morello has made it clear that this is one of their most successful projects of their program and that we should keep it going.

Amendment Adopted.

Sen. Johnson moved the following amendment.

Amend section 56, I of the bill by striking out the same and inserting in place thereof the following:

*I. University of New Hampshire — Durham:*

Total	\$35,253,400	\$36,789,000
	=====	=====

Estimated source of funds for  
Durham:

Federal	191,000	121,000
Auxiliary enterprises	7,178,300	7,493,300
Other	13,569,000	13,750,000
Sponsored res. & education program	5,000,000	5,000,000

General	9,315,100*	10,424,700*
Total	<u>\$35,253,400</u> =====	<u>\$36,789,000</u> =====

\*The State appropriation includes \$530,000 in fiscal 1974 and \$549,000 in fiscal 1975 to be used to reduce in state tuition from \$950.00 to \$855.00 per academic year. These funds shall not be used for any other purpose.

Further be it resolved that, the Legislative Budget Assistant is authorized to change any and all totals in this bill and the total appropriation made and the total bonds authorized in order to reflect these amendments which have been adopted to the bill.

Sen. JOHNSON: This would amend section 56 on the bill. This has to do with the \$500,000 for the Durham campus that Sen. Trowbridge alluded to in his report. But the actual insertion is the bottom figure which says, "General" in each column is raised \$250,000 each. This money is to be used to straighten out their maintenance budget. This appropriation will be used for increases in cost for items such as fuel, electricity, social security, unemployment, and telephone. I urge my fellow Senators to pass this amendment and keep our university system going.

Sen. GREEN: I have been involved in this \$500,000 discrepancy and I would like to speak to this question for a moment. What has happened apparently has been misinterpreted by the way it was dealt with. I want to make it very clear that the University of New Hampshire in terms of their request of the legislature did not miscalculate their revenue figures. Their figures were correct. Somehow when the House version of the bill came out the revenue for 1975 was different or less by \$500,000. When we first discovered that, realizing that it would have an effect on the total appropriation we thought that we had discovered a \$500,000 surplus and we thought we could reduce the appropriation, but come to find out that in the University's figuring of this their figuring was accurate and the figures we had were not inaccurate. The Governor's budget had the figure correct. So what we did was locate an honest mistake in HB 888. I want to make it clear that the motion made by Sen. Johnson, would have been in the budget now had we not

been confused by this particular revenue figure. I rise in support of Sen. Johnson.

Sen. SPANOS: Mr. President, I rise in support of the amendment as made by Sen. Johnson. As Sen. Green indicated that the time we took up the University of New Hampshire's budget and had HB 888 we discussed the needs of the university very carefully and after consideration found that they needed probably another million. Upon my motion seconded by Sen. Foley we put that back in. We originally voted in the 1.1 million in our original version but that was subsequently changed because of the error. So what we are doing here is putting into the budget what Senate Finance Committee unanimously believed approved and I would hope that the rest of the Senate will go along with this amendment. I can assure you that contacts were made with the authorities of the University and with this budget we have been assured that the University, although not completely happy with the budget as is, is satisfied and can live with this but anything less than the amount suggested would be very detrimental to the activities of the University.

Sen. TROWBRIDGE: I'd like to say again to follow up on Sen. Spanos, I would like to give the example of, let's say I said to my son, if you'll earn \$40 I'll match with you \$60 in order to buy a \$100 motorcycle. The point would be that if he did earn the \$40 and get it plus perhaps two extra dollars making a total of \$42 do I lower my promised \$60 to \$58? No, I made a promise. In Senate Finance when we were considering this we recognized the fact that the University was already counting on this \$500,000 and had already budgeted it. I am going to vote for the amendment as presented by Sen. Johnson.

Amendment adopted.

Sen. Gardner moved the following amendment.

Amend section 46, V, (j) by inserting after paragraph (3) the following new paragraph:

	<i>Fiscal 1974</i>	<i>Fiscal 1975</i>
(4) <i>Tirrell house:</i>		
Personal services:		
Other	\$26,000	\$26,000
Current expenses	14,800	14,800

Other expenditures:		
Benefits	1,812	1,812
	<hr/>	<hr/>
Total	\$42,612*	\$42,612*
	=====	=====
Estimated source of funds		
for Tirrell House:		
Federal	\$42,612	\$42,612
	=====	=====

\*In the event that federal funds are available for the purposes of this appropriation they are hereby appropriated for the purposed hereof and the amount of state funds shall be reduced by the amount of said federal funds.

Further, be it resolved, that the legislative budget assistant is authorized to change any and all totals in this bill and the total appropriation made and the total bonds authorized in order to reflect the amendments which have been adopted to the bill.

Sen. GARDNER: This bill puts back into the budget, which I think was inadvertently left out, the Tirrell House and you have the expenses of running this House. This in case some of you don't know, this rehabilitates alcoholics. There is only a part time director there now. There are ten persons living in there and there is room for two more rooms.

Sen. PRESTON: I'd like to speak in favor of this motion. Though this is only a token act on the part of the state itself, I hope the Senate will give it unanimous support.

Sen. TROWBRIDGE: I'd like to speak in favor of this amendment also. I think in the piles of paper we received this slipped through the crack and I'm very glad that she has this amendment here.

Amendment Adopted.

Sen. Jacobson moved an amendment.

Sen. JACOBSON: First I'd like to explain the amendment which simply deletes the 2.2 million dollars of the reserve and does in fact actually reduce the budget to two sixteen. Now I'd like to speak on some of the background of this problem. The other day Sen. Trowbridge did in fact ask me to go in and find



out what the Governor wanted. I went in and talked to the Governor and said that I would be glad to sit down and discuss the budget with him. Yesterday afternoon I received a note from the Governor in which he invited me in to talk and to take anyone else that I wanted with me. I asked Sen. Brown and Sen. Sanborn, both of those members having been on the Finance committee. So all three members had been on the Finance committee and knew something about the budget making. So they go into the meeting and the three of us were there. The Governor, the comptroller, Mr. Fowler, and one or two of the Governor's aides. As we talked it became apparent that what the Governor wanted was a five million dollar cut in the budget. Now, that is what he wants and apparently this may be the confrontation, now I'm much less interested in confrontations than I am in compromise and on that basis I said I would be willing to go to the Senate floor and explain the whole matter before the Senate and leave it up to every Senator to make up his own mind as to what he wanted to do. I have not corralled a single vote on this amendment or asked for a single vote. I want to give some of the background as I understand it with the figures that have been given to me through the comptroller. The chairman of the Appropriations committee based on the \$219,000,000 budget estimates a \$14,000,000 surplus. I asked Sen. Trowbridge whether that was his estimate or not and he said, "yes." Now the Governor wants to have a \$5,000,000 surplus. He also wants to send to the cities and towns \$8,000,000. There is also approximately \$13,000,000 of specials. Now there is no way in the world that two nineteen or two eighteen — the \$13,000,000 going — give to surplus and five and eight to the cities and towns plus all of these specials are going to pass. Now I did say to him, that I would think that \$5,000,000 surplus is an unnecessary one but I said that at the most you need two and one half million because you are going to have a lapse of at least two million and the comptroller said that when we had \$70,000,000 to \$80,000,000 budgets we had sometimes as high as \$2,000,000 lapses. So with a budget that we have in comparison this time we really anticipate even a greater lapse. So that there is two and one half million dollars.

I also pointed out to him that of the money going back to the cities and towns, we have already done certain things. For example, the Senate passed yesterday HB 495 which sent \$540,000 dollars back to the cities and towns. We have SB 76 which

sends \$1,900,000 back to the cities and towns and there are others. But those are illustrative. So that it seems that in order to get a good percentage of the legislative specials through and also to have a surplus and to be able to meet the needs of the state approximately \$5,000,000 ought to be cut. It was his motion and we discussed it at length that we should ask that the bill be recommitted and ask that \$5,000,000 be cut. I talked to Sen. Trowbridge about this and discussed it and I came to the agreement that this would be the way to do it. But rather through one or two amendments and to bear in mind that the issue is \$5,000,000. It would be possible to cut \$5,000,000 in many places but if the Senate has as its notion to bring the budget down to this then this is the way to do this by accepting my amendment and to accept the amendment that follows that is sponsored by Sen. Sanborn. What in fact that will do is this: The Governor's original budget was 18% over the present biennium budget. If we pass as we do now the HB 888 as amended we will be doing about thirty percent over the present biennium budget. If we accept the \$5,000,000 cut we are doing about 24 percent over the budget of the last biennium. And that's what it's down to. That we are increasing the budget approximately if we accept this amendment and the next amendment, we are increasing the budget at a rate of 24 percent. In other words we are splitting the difference. The Governor is coming up with approximately 6% and the legislature is going down approximately 6%. I hope no one holds me to those exact figures but it is approximate. I do not have a calculating machine. That in essence is what the amendment does. This reduces the 2.2 million dollars and Sen. Sanborn has a further amendment that reduces it 2.8 million dollars. I don't think that the Governor is necessarily concerned about one cut or the other but of the total range. And that is what his personal concern is and on that basis I have agreed. As I said earlier I think it is up to each and every Senator to make his or her decision with respect to this matter.

Sen. TROWBRIDGE: Mr. President, I welcome this opportunity to debate this with Sen. Jacobson. I think this is worthwhile. He asked me to convey to the Senate that that very short amendment was not a "sneaky pete" and I'll agree that it is not. I told him how to amend HB 888 is to take out the contingency fund. There are a number of things concerned here and I want you to know my reason as to why I oppose the amend-

ment and I want to explain how this thing could work. The contingency fund of 2.2 million of the general fund is there for two reasons. One is that if it is true that the eligibility and the other things could be cut back in welfare sufficiently to get 16% of the people now on welfare off of welfare and not have them receive it, then we would have created a 2.2 million dollar surplus. In other words, that contingency fund would be a surplus and should be counted in making our estimate of what we are going to have for surplus, because, if the Governor's right in his administration he can cut it that much, that becomes surplus. And the other thing that Sen. Jacobson added was that we have legislative specials. I think you've got to realize that you have in those specials at least a \$7,000,000 package which is the pay bill. Now, the way I look at it we could cut out this contingency fund, but if we did, it would be likely that we would spend it on something else. It would not go. We've already implied in this budget two and one half into surplus. So there's nothing more that we have to do to get to his surplus level. Because it's all in there. So the point I'm making is that we are supposed to come back in the special session in May or March and had we cut the level here we would be throwing away the contingency fund unless the eligibility of welfare did not go down as much as the Governor estimated. We would then come to a position where we know we are going to run out of welfare funds. What happens then? You have the vagaries of what happened in the special session. You have the revenue estimate that even the Governor and I question. If the revenue estimates are wrong we could be in the embarrassing position of having to come back into a special session and not having the money whereby to continue the welfare payments. That's why I said the responsible way to handle this is to say we expect to spend at the level of \$216,000,000. That is what we expect to spend. However we are putting in the saving bank 2½ million dollars which can be called surplus if we don't spend it, but is there in case anything might go wrong. I really don't want to see us cut the budget because then the money is going to go somewhere else. I'm being careful and prudent. I think that Senate Finance has gone the route of saying I want to cooperate.

Sen. PRESTON: Sen. Trowbridge. In effect do I understand that this is 2.6 million?

Sen. TROWBRIDGE: 2.2 million. One million in the first year and 1.2 million in the second year.

Sen. PRESTON: Will this be placed in a reserve account?

Sen. TROWBRIDGE: Admissible only by Governor and Council upon a finding that they are running out of Welfare money.

Sen. PRESTON: In effect does this 60% of those who are thought to be ineligible, that that 2.2 million will in effect be reserved within this fund under the control of Governor and Council?

Sen. TROWBRIDGE: And it will become surplus. And it will not be spent for any other purpose so if it is not spent it is a surplus account.

Sen. PRESTON: So that in the event if we predict will occur with the sixteen percent being ineligible we could consider this as a part of the service?

Sen. TROWBRIDGE: Exactly.

Sen. JACOBSON: I think that we are dealing with methodology rather than with principle. What my question is, is if we keep this in the reserve and we add the \$7,000,000 package which you rightly pointed to that raises the level to about 2.25 or 2.26 in spending. Is that not correct?

Sen. TROWBRIDGE: Unless you consider the fact that there may be as you said \$5,000,000 of lapses on a \$2,000,000 budget which would only be 2½% so that you can say that you have more and that has to be deducted out which brings you back to 2.2.

Sen. JACOBSON: The only problem with your analogy is that most of these bonding bids are at higher prices than what you have appropriated for them. My question is that if there is a recession or a reduction in spending for example, if there were to be a gasoline crisis it would not only effect revenue for gasoline tax which is separate from what we are talking about but it would effect spending in tobacco and it would effect spending in liquor and it would effect spending in the ski area and rooms and meals tax etc. which might find us right at the moment on maybe even below revenue in terms of authorized spending. Is that not right?

Sen. TROWBRIDGE: Yes, and that is precisely why we should put the 2.2 in the reserve. Because if you were coming



back and revenue had gone down and you came back into special session what you could do is repeal some of the specials that you had enacted in order to gain funds to keep the budget and the operation of state government alive. That's precisely why I want to keep that money in the budget and have it safe rather than being spent on another special.

Sen. JACOBSON: Is it not precisely the opposite of what you argued? In that if you did not have the reserve fund of the 2.2 million dollars which is designated specifically and as I understand it could not be utilized for anything else that this could meet the crisis situation in some other area.

Sen. TROWBRIDGE: No, that is not true. It is there and if we came back into a special session we could change that law, knowing what we knew then that we don't know now. So it would be safe.

Sen. JACOBSON: Can we not also come back into special session and change the law and add knowing then what we know now?

Sen. TROWBRIDGE: The question is then, however, that when we come back at that time and you say you want to add because we didn't allocate enough for Welfare that's when you run into the problem of where do we get the money from. This way at least we allocated it and kept it there in the reserve. Every time you speak you convince me more and more that the contingency fund is a good idea.

Sen. JACOBSON: I don't believe that. Is it not also true that at that time we would know more about the general economic picture particularly the energy gasoline crisis than we know at this point?

Sen. TROWBRIDGE: Obviously we will know more in six months than we know now. The point is that we are here now to do the right thing more to understand what will happen. So put the 2½ million in a safe place.

Sen. JACOBSON: At the appropriation level disregarding the reserve fund all those who are eligible at the rate could be paid up to April 1 of next year?

Sen. TROWBRIDGE: I used April on a theory. I haven't calculated it. By April we would know how it was running and



would have to do something. It might be interesting for the Senate to know that only this year they came in (the Welfare Department) asked for  $3\frac{1}{2}$  million for transfer monies to AFDC.

Sen. GREEN: This whole debate has gone on in Senate Finance and we have had our differences. First of all, all of the cuts that we've talked about in this particular amendment and the future amendment that is going to come, as I understand it, have taken out of Welfare. Apparently Welfare is seen to be the agency where people feel that there are places in that budget that they can cut. Now that's fine if it can be said to me without assuming that there are 16% of the people that are ineligible without assuming that the people who are being added to Welfare, then maybe these are justified. But as I hear it now, I am concerned. That's why I go along with this contingency fund. I am concerned that the cuts are going to be made across the board and that the people who are really eligible, and those who really need the money, will have their livelihoods affected as well as attempting to get those people which are ineligible.

Sen. JACOBSON: With respect to the question that Sen. Green raised, and which you and I have discussed, it is possible in the committee of conference or in some way to have a footnote or an amendment which will provide for those who are truly eligible at the appropriate level of receipt. Is that not correct?

Sen. TROWBRIDGE: If I understand you correctly, assuming that you cut out the contingency fund you would put something in the budget to say that the Department of Health and Welfare is hereby threatened not to cut any individual benefit to any individual person or family? I think that can be done. I think the only danger with that is the people who come on the roles after. I haven't been able to figure that out.

Roll Call requested by Sen. Brown, seconded by Sen. Bossie.

Yeas: Gardner, Jacobson, Ferdinando, Sanborn, Brown and Bossie.

Nays: S. Smith, Bradley, Green, Spanos, Blaisdell, Trowbridge, Porter, McLaughlin, R. Smith, Provost, Johnson, Preston and Foley.

Result: Yeas 6, Nays 13.

Amendment lost.

Sen. Sanborn moved the following amendment.

Sen. SANBORN: I can assure you that this amendment does not injure any of those on relief. Many of the small bits and pieces that were picked up here I have discussed with Sen. Trowbridge during the week and they deal mostly with new personnel in various areas. Only one or two people here and there. I found that in the Governor's budget as presented in the area of community Mental Health, he had only subscribed to the amount of \$1,294,932. That was from general funds. The federal funds to provide \$85,000. That was in 1974 and 1975 that the Governor had put down \$1,315,528 from general funds, again \$85,000 from the federal government. In looking over the budget as presented by HB 888 in the area of grants I noted that the House in its wisdom had general funds, grants of \$2,309,077 and \$2,908,868 from the general fund for 1975. And there would be \$85,500 again from the federal government.

Then I began to remember from testimony that was given to us by the Department of Health and Welfare that these community health centers were probably the way that they could reduce the load on the State Hospital. So I went to the State Hospital and looked at their figures. And their figures called for an increase of over 300 hundred personnel in the biennium. They have over 80 vacant positions now at the State Hospital. We agreed in Senate Finance that it would be impossible for the State Hospital to hire three hundred people as of July 1 of this year and that is why we reduced the figure. However, there is a bill from the House that will allow the manager at the State Hospital to reconstruct some of his people i.e. one of his big problems is this, that he has certain health staff that will not work other than daylight hours, and will not work weekends. Under this bill he would have psychiatric aides to work nights and weekends. At present, they have positions for 264 aides. Therefore I suggest that the budget be cut for personnel services and its corresponding benefits. That is the basis of my amendment. This will reduce the budget in the general funds area in excess of \$2,700,000.

Sen. TROWBRIDGE: My colleague Bill, have you included the professional care and treatment as well? I'm afraid

that if you calculate this correctly against HB 888 the entire force of the first part of the amendment is to increase the budget in HB 888 by \$6,296. Not a decrease of 2.2 million. I'll tell you why. In professional care and treatment either you looked at something that was wrong. Would you mind if we divide the question?

RECESS  
OUT OF RECESS

Sen. Trowbridge moved the we divide the question offered by Sen. Sanborn.

Adopted.

Question is on the adoption of section 4C paragraph I and II.

Sen. SANBORN: I was using the HB 888 as amended figure without having the new figures as amended by the Senate. I still believe that about a million dollars could come out of those two areas.

Sen. TROWBRIDGE: I rise in opposition to the first amendment and I'll just simply say that the figures that have been submitted would raise the budget rather than cut it.

Sen. PRESTON: Sen. Trowbridge, Sen. Sanborn brought out the point, that if funding was made available to the area of Mental Health Clinics that they could shoot for the figure of having maybe only 1,000 patients. If that is so, is the need still there?

Sen. TROWBRIDGE: The answer is yes. The problem is not covering patient to patient but it's ward by ward and hour by hour.

Sen. JACOBSON: Sen. Trowbridge, based on your figures what is the correct figure of the hospital?

Sen. TROWBRIDGE: That would be \$11,924,000 and \$13,067,000 in the second year.

Sen. JACOBSON: That amounts to about \$25,000,000?

Sen. TROWBRIDGE: Yes.

Sen. JACOBSON: I have a special session figure of \$8,949,917. Is that correct?

Sen. TROWBRIDGE: Then you have to add to that \$3,700,000 plus \$5,800,000, plus \$506,000, plus \$2,103,000, plus \$234,000. So it's more like \$11,000,000.

Sen. JACOBSON: Where do you get the figure?

Sen. TROWBRIDGE: I am only going on the Governor's budget which says, as of fiscal 1973 this has been the authorized spending level.

Roll Call requested by Sen. R. Smith, seconded by Sen. Porter.

Yeas: Ferdinando and Sanborn.

Nays: Lamontagne, Poulsen, S. Smith, Green, Jacobson, Spanos, Blaisdell, Trowbridge, Porter, Claveau, R. Smith, Provost, Brown, Bossie, Johnson, Downing, Preston and Foley.

Result: Yeas 2, Nays 18.

Amendment lost.

Sen. DOWNING: Sen. Sanborn as sponsor of this amendment do you understand that this budget is going to go to a committee of conference?

Sen. SANBORN: I have no objections to that.

Sen. Downing moved that the remainder of Sen. Sanborn's amendment be sent to a committee of conference for their consideration.

Sen. SPANOS: Mr. President, only with the thought in mind that in no way is the Senate recommending the amendment being offered by Sen. Sanborn.

Sen. TROWBRIDGE: I'd be glad to have this go to the committee of conference.

Sen. JACOBSON: I would like the amendments to be referred to the committee of conference.

Sen. TROWBRIDGE: I'd like to add my weight to what Sen. Jacobson's said. The biggest frustration of this session has been the fact that we've had a Governor's budget that was done one way and a Governor's budget manual that was done another way, the House has changed it a bit and it really has been difficult.

Sen. FERDINANDO: I'd like to recommit HB 888 back to Finance.

I do so Mr. President, as I am concerned about the amounts that we are talking about. The budget during the past year has been affected by Revenue Sharing so that during the coming two year period there's another 10.4 million dollars. I would hope that somewhere along the line we could get these figures clarified.

Sen. SANBORN: Mr. President, and members of the Senate I would like to be able to support Sen. Ferdinando however, we have spent a long time on this budget and if we try and recommit it it means that there will be three days that pass before we can again start to be considering this budget. I rise in opposition to this.

Sen. S. SMITH: I rise in opposition to the pending motion. I appreciate Sen. Ferdinando's motion but I think he does better on his flute.

Adopted.

Sen. Ferdinando moved that we recommit HB 888 back to the committee on Finance.

Motion lost.

Sen. Porter moved the following amendment.

Amend section 51, XV, e of the bill by striking out the same and inserting in place thereof the following:

(e) *Nashua*

Personal services:		
Permanent	\$316,458	\$320,867
Other	10,000	10,000
Current expenses	52,000	54,000
Travel:		
In state	1,000	1,000
Out of state	250	250
Equipment	24,064	3,228
Other expenditures:		
Evening and summer school	15,000	15,000
Grants — work study	8,000	8,000
Benefits	27,429	28,172
Total	\$454,201	\$440,517
	=====	=====



## Estimated source of funds for Nashua:

Federal	\$6,400	\$6,400
Evening and summer school	15,000	15,000
Miscellaneous	500	500
Tuition	64,400	64,400
General	367,901	354,217
<hr/>		
Total	\$454,201	\$440,517
	=====	=====

Sen. PORTER: The amendment was previously provided to a member of the Finance Committee but somehow slipped unnoticed. What is does is provide for an additional funding on personnel services and equipment for the Nashua Vocational and Technical School. It's for permanent personnel services and equipment is for the maintenance services.

Sen. S. SMITH: Mr. President, I rise in support of the proposed amendment. Somehow it slipped. We had a hearing on the various schools and in the back of my mind I knew that this was being presented, but this was overlooked.

Sen. PRESTON: Sen. S. Smith, would this in any way jeopardize funds that are being allocated?

Sen. S. Smith: No, I don't believe it would.

Sen. GREEN: This is the Nashua Vocational Technical school which is different. It will not jeopardize the funding of the other schools.

Sen. LAMONTAGNE: Is this recommended by Mr. Green?

Sen. PORTER: I do not know.

Sen. GREEN: Sen. Lamontagne, every one of these requests came through but somehow Nashua was not covered in terms of their requests.

Amendment Adopted.      Ordered to third reading.

## SUSPENSION OF RULES

Sen. Spanos moved that the rules of the Senate be so far suspended as to place HB 888 on third reading and final passage at this time.

Adopted.

## Third reading and final passage

HB 888, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975.

Adopted.

Sen. Trowbridge moved reconsideration of HB 888.

Motion lost.

## HOUSE MESSAGES

HOUSE NON-CONCURRENCE AND REQUEST A  
COMMITTEE OF CONFERENCE TO

HB 888, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975.

The Speaker has appointed as members of said Committee on the part of the House Reps., Drake, Ferguson, Huot and John B. Goff.

On motion by Sens. Trowbridge and Foley the Senate voted to accede to the request for committee of conference. The Chair appointed as members of said committee Sens., Trowbridge, Foley and S. Smith.

## PERSONAL PRIVILEGE

Sen. LAMONTAGNE: Mr. President, Members of the Senate, first let the records show that I have not been asked by Public Service Company or anyone else to speak on this matter of Tepco, and I would be willing to take the oath that I have never been paid \$25,000 from Public Service, as it's been stated in Berlin.

Now, if Mr. Douglas is to take part with this phony Tepco that has fooled a lot of people in the north country, and especially in Berlin and Milan, I am asking the Governor, now, to ask Mr. Douglas III to resign from his duties as the Governor's Attorney. I feel that Mr. Douglas III is working under the table, and at the same time I haven't forgotten that Mr. Douglas III was supposed to have me in court in 1969, but I haven't been taken to court as of yet. The reason that he was going to take me to court was because I was opposed to Tepco. But Members

of the Senate, let me tell you I would be glad if Tepco or Mr. Douglas III would take me to court — because if we would go to court, we could get the truth about this Tepco business.

You will recall that the Public Utilities Commissioner appeared before the Senate a few weeks ago, and I questioned Commissioner Kalinski on the question of Tepco, which is part of the records of the Senate. I asked, "What has happened to Tepco?" The Commissioner's reply was that Tepco, or International Generating and Transmission Co., Inc., had been to the Public Utilities Commission's office for the last three years but has not yet applied for a permit. My people have been given an understanding that this Tepco had applied for some permits, and every state agency I contacted had made its report that never has there ever been a permit application. Now, let me give you another example. In the Secretary of State's office, the records show that this so-called Tepco has \$1000 in cash, \$1000 of stock sold to themselves for \$1000. In my arithmetic, it leaves a balance of zero. Now, how can this phony outfit with Douglas III making these recommendations to amend Senate Bill No. 149 and at the same time bypass the environmental protection. For what, to fool my people again by making them believe there is a possible chance for this plant to be built in either Berlin or Milan. Who do they think they are going to kid? And at the same time by wasting many hours of our Department Heads in this state.

Now, Members of the Senate, let me ask you if I was reasonable when I submitted before the City Council of Berlin a request of Tepco, also known as International Generating and Transmission Co., Inc., to submit in writing a letter stating they would not sue the city of Berlin or the members of the City Council, also the town of Milan, and the Members of the Board of Selectmen. And, Members of the Senate, Tepco or International Generating and Transmission Co., Inc., (who are one and the same), have refused to submit such a letter. And again, this is the reason why I feel that the Governor's Attorney has no business in this affair of Tepco and therefore if he is going to be the underdog in making these recommendations for Tepco, then I am asking the Governor to take him off from his staff and let Mr. Douglas III represent Tepco in the open before the general public.

Sen. JACOBSON: There has been a great deal of talk

about the Committee of Conference holding public sessions. Under the right to know law is the committee of conference open to the public or not?

The CHAIR: I think the Committee of Conference has the right to decide whether they are in public session or executive session by vote of the committee.

Sen. Bossie moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the readings of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

### LATE SESSION

#### Third reading and final passage

HJR 33, relative to retirement credits for Clarence W. Metcalf, Floris H. Lanigan, Kenneth Lewis, Francis J. Donahue, John P. McGee, Willis S. Low, Thomas A. Bolton and Lawrence E. Marchand.

HB 1044, relative to the purchase of handicapped-made products and services by the state.

HB 988, establishing a third New Hampshire state song.

HB 785, to require school districts not maintaining high schools to pay full tuition of its students who attend high schools in other districts.

HB 714, to define the offshore jurisdiction of the State and establishing a Marine Boundaries Commission.

HB 834, relative to allowing members of standing and interim committees mileage for attending meetings.

HB 716, to codify the Uniform Partnership Act and relative to the uniform gifts to minors act.

HB 987, relative to the alternate salary of special justices of district courts.

HB 608, relative to revision of existing statutes which con-

stitute misdemeanors and felonies under the provisions of the criminal code.

HB 609, relative to revision of existing statutes imposing only fines above one hundred dollars which constitute misdemeanors for natural and any other persons, and above two hundred dollars constitutes a felony for any other persons under the provisions of the criminal code.

HB 610, relative to revisions of existing statutes imposing fines over fifty and not more than one hundred dollars which constitute violations for natural persons and misdemeanors for any other persons under the provisions of the criminal code.

HB 642, changing the name of the Belknap County recreational area and commission; increasing the compensation of the members of the commission and increasing the amount of earnings which may be retained by the commission.

HB 611, revising statutes outside the criminal code imposing fines of fifty dollars or less which under the code constitute violations.

HB 703, to transfer or repeal all of title LVIII (crimes and offenses) except chapters 570-A, 571-B, and 585 and to change its title; and to permit the courts to provide for psychiatric examinations by other physicians than those at the New Hampshire Hospital.

HB 1015, transferring and repealing existing criminal statutes as proposed by the recodification committee, and making technical amendments to statutes so that they conform to the criminal code.

HB 829, relative to doping and stimulating animals at equine events.

HB 763, relative to the authority of the director to close the season for hunting and taking deer.

HB 612, imposing an inspection fee on fertilizer and providing a category for special mixed fertilizer.

HB 911, prohibiting the use of outboard motors of more than six horsepower on the Merrymeeting River.

HB 928, relative to the sale of fresh water fish raised outside of the state.



HB 937, relative to abusive treatment of horses.

HB 1017, relative to hunting in special designated areas by certain disabled persons.

HB 948, relative to dog training and permits issued therefor.

HB 384, to reclassify the Blackwater River.

Adopted.

All Senators moved the Senate adjourn at 6:15 p.m.

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### *Friday, 15Jun73*

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Dear Lord, Bless us as we come to the end of another week in our deliberations to further the work of our State.

Grant to us in the meantime a resurgence of Thy spiritual power to do Thy work in the Spirit of Unity. Amen.

Pledge of allegiance was led by all House members present in the Senate chambers.

#### HOUSE MESSAGES

##### HOUSE CONCURRENCE FOR REQUEST FOR COMMITTEE OF CONFERENCE TO

SB 182, providing for seven appointed members to the Manchester Airport Authority.

The Speaker has appointed as members of said committee on the part of the House Reps. W. Boucher, Tabor, Spirou and G. Thibeault.

##### HOUSE CONCURRENCE WITH AMENDMENTS TO

HB 856, requiring the reporting of drownings and boating accidents upon New Hampshire waters.

HB 634, relative to any type of advertising attached to objects of nature whether such advertising be upon primary or secondary roads.

HB 708, relative to fraudulent receipt of welfare assistance.

HB 1020, to enable the director of the division of public health to have the option of designating an alternate to represent him on certain boards.

#### HOUSE NONCONCURRENCE AND REFERRAL TO STANDING COMMITTEE ON PUBLIC WORKS FOR INTERIM STUDY

SB 85, relative to maintenance of bridges on class II highways.

#### HOUSE CONCURRENCE

SB 123, allowing certain insurance transactions through credit card facilities.

SB 158, relative to the time of taking office of the school board of the Mascoma Valley Regional school district.

SB 260, relative to the terms of office of members of the commission on the status of women.

SB 96, to provide for the citizen's right to sue to protect against damage to the environment.

SB 213, relative to the form and contents of writs.

SB 215, increasing the limit of the concurrent jurisdiction of district courts in civil matters.

SB 252, providing for a reduction in the costs of administration of the Manchester district court.

SB 132, to exempt nonprofit health care facilities from provisions of the fair trade law.

SB 115, naming a certain body of water in the town of Wakefield, Belleau Lake.

SB 223, relative to the exemption for real property taxes for the blind.

The CHAIR: The Chair will announce that Senator Green will be substituted in place of Senator S. Smith in the Committee of Conference in respect to HB 888.

Sen. S. Smith moved that the rules of the Senate be so far suspended as to bring in committee reports on HB 182 and HB 837 without previous notice in the Journal.

Adopted.

## COMMITTEE REPORTS

### HB 837

establishing the American and Canadian French cultural exchange commission. Ought to pass with amendment. Sen. S. Smith for the Committee.

## AMENDMENT

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Sen. S. SMITH: Mr. President, the amendment to the bill simply makes it effective upon passage rather than sixty days after passage. The reason for this request was that there is going to be a meeting of all such cultural exchange commissions in Washington on July 11 and it is hoped that the bill will pass and the appointments to the commission may be made so that they can attend this meeting. The bill itself establishes an American and Canadian-French cultural exchange commission consisting of seven members. There is no appropriation involved but I hope that the Senate will adopt the amendment and the committee report.

Sen. LAMONTAGNE: Mr. President, I rise in support of the committee report on HB 837.

Amendment Adopted.      Ordered to third reading.

### HB 182

providing for the perambulation of the N.H.-Massachusetts boundary line and funding the perambulation of the N.H.-Maine boundary line and making appropriations therefor. Ought to pass. Sen. S. Smith for the Committee.

Adopted.

Sen. Trowbridge moved that the rules of the Senate be so

far suspended as to omit reference to Finance and order HB 182 to third reading at this time.

Sen. S. SMITH: Mr. President, HB 182 provides for the perambulation of the New Hampshire-Massachusetts and the New Hampshire-Maine boundary line. In regards to the Maine boundary line, it's been established that this should be done every seven years. The last time it was done was in 1962 which is eleven years ago. The program is that the officials from Maine and from New Hampshire jointly perambulate the boundary placing markers on the boundary and clearing brush on a ten foot swath along this whole boundary, due to the fact that the brush grows fairly fast. It seems that this is an urgent matter in that four years above the normal period has elapsed. As far as the Massachusetts boundary is concerned this is to be done every five years and it would be almost 22 years ago that this was done. This may not be quite as vital as the Maine boundary because most of the boundary is close to highways, etc. I hope that the Senate will look upon this bill with favor.

Sen. POULSEN: I rise in support of the bill. The area in Northern New Hampshire is very obscure and there has been many cases of hunters going over the line without realizing it.

Sen. JOHNSON: What about a water boundary?

Sen. S. SMITH: I don't believe that is involved in this bill.

Sen. JOHNSON: What about our inland water boundary?

Sen. S. SMITH: I don't know.

Sen. JOHNSON: Does this have anything to do with the bill we passed yesterday?

Sen. S. SMITH: No.

Sen. TROWBRIDGE: If you all feel this is worthwhile I think the amount of money of \$20,000 is well known. You have remembered yesterday in our budget presentation that we had to put \$25,000 in for council fees for litigation on the boundary lines. I think that this is a much more positive way of spending money.

Adopted.      Ordered to third reading.

#### HB 1047

continuing the office space study committee. Ought to pass.  
Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: There is a very small amount of money on this. The office space study committee is not only for legislative office space, the primary concern of the last committee, but it is also for office space for the entire family and since we are now spending \$700,000 in rent I think that a continued examination and a small appropriation is well justified.

Adopted.      Ordered to third reading.

#### **HB 793**

providing for the state treasurer to establish a special fund for reimbursements received for prefinanced water pollution control projects. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: HB 793, as you may know, the money on the prefinancing of water pollution projects comes back to the cities and towns first and then is reimbursed from the cities and towns to the state. We have a debt outstanding for the prefinancing and what has happened is that some of this money is coming in and it's not being properly accounted for so that you keep thinking that the prefinancing is still there even though it is being paid off. This bill would establish a special fund in the Treasurer's Department for the repayment and reimbursement so we can account for this.

Adopted.      Ordered to third reading.

#### **HB 1004**

increasing the limit on the amount of bonds which may be guaranteed by the state for water supply and pollution control projects. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: This bill would increase from \$135 million to \$145 million the limit that we place on the bonds that are guaranteed by the state for water supply and pollution control projects. The increasing number of facilities that are actually going into operation are requiring the additional 10 million dollars.

Adopted.      Ordered to third reading.

#### **HB 640**

authorizing the governor to enter into contracts with veterinary medical schools. Ought to pass. Sen. Green for the Committee.



Sen. GREEN: HB 640 is a bill which does the same thing as the bills that we've already passed this session dealing with medical schools and schools of dentistry. This will allow the Governor to enter into contracts with Veterinary schools.

Adopted.      Ordered to third reading.

#### **HB 512**

providing for overtime pay to state employees engaged in snow grooming and farming. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: This bill provides for overtime pay at the rate of time and a half. This would pay state employees engaged in snow grooming and farming. This would go for the period of November 1 through March 31 each year.

Adopted.      Ordered to third reading.

#### **HJR 30**

relative to the purchase of a fire truck for the city of Concord and making an appropriation therefor. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: This provides \$40,000. This supports the purchase of the aerial ladder truck for the City of Concord. It's about half the cost for a hundred foot aerial ladder. The committee felt that this was an excellent investment for the state due to the fact that there is risk damage for both fire and smoke damage in state properties which do not pay taxes towards the operation of the government of the City of Concord.

Sen. Trowbridge moved the following amendment.

#### **AMENDMENT**

Amend the title of the resolution by striking out same and inserting in place thereof the following:

#### **JOINT RESOLUTION**

relative to the purchase of fire trucks for the city of Concord and Keene and making an appropriation therefor.

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the State of New Hampshire hereby appropriates the sum of forty thousand dollars, payable to the city of Concord, New Hampshire for the purpose of the purchase, by the said city of Concord, New Hampshire of a one hundred foot rear mount, aerial ladder, fire truck with equipment for the fire department of said city; and

That the city of Concord shall be responsible for providing the specifications for the vehicle and shall be required to submit the item to competitive bidding. The governor is authorized to draw his warrant for said sum appropriated out of any money in the treasury not otherwise appropriated.

That the sum of thirty-one thousand four hundred twenty-one dollars and twenty-five cents is hereby appropriated to the city of Keene to reimburse the city for one-half the purchase price expended for a new fire truck in use of which is included the protection of Keene State College.

Sen. TROWBRIDGE: The amendment has been passed out. It is sponsored by Senator Blaisdell and myself. It adds at the end of HJR 30 the sum of \$31,421.25 to reimburse the City of Keene and would protect Keene State College.

Sen. BLAISDELL: Mr. President, I obviously do go along with this amendment. I hope that the Senate will go along with it.

Amendment Adopted.      Ordered to third reading.

#### **HB 483**

to provide for republishing or recompiling volume 3-A of Revised Statutes Annotated and making an appropriation therefor. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: Mr. President, this is for the republishing and recompiling of volume 3-A of Revised Statutes Annotated and the sum of \$9,000 is needed for appropriation.

Adopted.      Ordered to third reading.

#### **HB 527**

to provide for replacement volumes 5, 5-A and 6 for Revised Statutes Annotated and to provide a complete set of Revised Statutes Annotated for each standing committee of the house and senate and making an appropriation therefor. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: This is to provide for the replacement of volumes 5, 5-A and 6 for Revised Statutes Annotated and to provide a complete set of Revised Statutes Annotated for each standing committee of the House and Senate and appropriation is made.

Adopted.      Ordered to third reading.

**HB 484**

to provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: This is another bill that comes in every two years. It authorizes the Secretary of State to provide for cumulative pocket supplements for Revised Statutes Annotated and making an appropriation of \$14,000.

Sen. SPANOS: Currently with whom are we contracted with for these Revised Statutes Annotated?

Sen. TROWBRIDGE: We used to have bids out on printing these and there are about three or four publishers. They couldn't get any bidders on the New Hampshire statutes any more because all of the material that is set in print already is here. So this is a no bid contract with the Equity Publishing Company which we all know is owned by the Governor. They do an excellent job and the cost is reasonable.

Adopted.      Ordered to third reading.

**HB 755**

conferring immunity from civil suit on municipal executives acting in their official capacity. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. Bradley moved that HB 755 be laid on the table.

Adopted.

**HB 805**

relative to indemnification agreements between architects, engineers, or surveyors and owners, contractors or subcontractors. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: HB 805 simply clears up a statute that was passed in the last session which prohibited indemnity agreements between architects and contractors and made them void.

The bill, as originally passed, did tie it down only to negligence and this bill would add the phrase "by reason of negligence," so that the indemnification here only relates to negligence.

Adopted.      Ordered to third reading.

#### **HB 984**

relative to landlord-tenant relations. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill would provide that if a building is declared to be sub-standard that the tenant is entitled to pay the rent to the court, rather than the landlord, and the landlord then has three months to correct the deficiencies, and if he does he will be given his rent.

Sen. Jacobson moved that HB 984 be made a Special Order of Business for 1:02 on Monday next.

Sen. JACOBSON: I received a number of calls with respect to one section of this bill, particularly the requirement that after the building is repaired that the previous tenant is to be allowed to come in again and I don't know what the issue is but I've received several contacts on this and I have had no opportunity to study it. I would like to ask that this be made a special order.

Adopted.

#### **HB 967**

making it mandatory for the secured party to file a discharge statement under the uniform commercial code. Inexpedient to legislate.

Sen. BRADLEY: This is already mandatory so I hope that this will be inexpedient to legislate.

Adopted.

#### **HB 973**

to amend the uniform commercial code with respect to the manner of transferring investment securities. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this is a rather technical amendment to the section of uniform commercial code with

respect to the manner of transferring investment securities. The purpose is to speed up and modernize the transfer of securities.

Adopted.      Ordered to third reading.

#### **HB 690**

to provide that entry fees for small claims actions go to municipality in which the court is regularly located. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: This is a simple bill which clears up the matter that the small claims action shall go to the town where the court is located rather than to the judges and the clerks involved. So that entry fees for small claims actions go to the municipality in which the court is regularly located.

Adopted.      Ordered to third reading.

#### **HB 655**

authorizing a court to designate the type of officer to whom a capias may be directed for service. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. BRADLEY: This bill would have allowed policemen as well as sheriffs to orders of arrest. There was overwhelming testimony that the bill ought to be reported inexpedient.

Adopted.

#### **HB 566**

prohibiting the unauthorized copying of certain recorded devices for sale. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, this bill clears up the problem of unauthorized copying of tapes and records. It makes it a felony to copy a recorded device with the intent to sell or cause it to be sold or used for profit.

Sen. BOSSIE: Wouldn't this be more of a civil matter than a criminal matter? Is it not true that perhaps now one who is guilty of this action could be prosecuted under other laws?

Sen. PORTER: This bill does provide for a civil cause of action in addition and perhaps you were right.

Adopted.      Ordered to third reading.

#### **HB 54**

relative to the passage of testate or intestate real and per-



sonal property to a surviving spouse and to other persons. Ought to pass. Sen. Bradley for the Committee.

## RECESS

### OUT OF RECESS

Sen. BRADLEY: This bill would change the law dealing with the passage of testate or intestate real and personal property to a surviving spouse and to other persons. At the present time if you die without a will in many cases your wife doesn't have much of a claim over the estate. Generally only one third. This bill would increase the right of the spouse, husband or wife in the estate of the deceased spouse. If there are no children then the entire estate will go to the surviving spouse.

Sen. BOSSIE: Senator, if there are children and a surviving spouse, what do they each receive?

Sen. BRADLEY: If the children survive, and all of whom are issues of the surviving spouse, (no stepchildren) then the spouse has the first \$50,000, then one half of the balance of the estate and the remaining balance then goes to the children. If there's a stepchild involved then she gets one half of the estate.

Adopted.      Ordered to third reading.

### HB 775

relative to retail sales agreements. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill would expand the law that governs home solicitation sales but the present law only covers the credit sale and for the guy who goes around soliciting at the door and takes cash is not covered by the law. The bill was favored both by the law enforcement people and all of the sales people who appeared.

Sen. FERDINANDO: Would you explain what you are doing with this bill?

Sen. BRADLEY: The basic thrust of the bill is to make the law cover cash sales as well as credit sales for the home solicitation type of sale.

Sen. Ferdinando moved that HB 775 be indefinitely postponed.

Sen. FERDINANDO: I can understand the bill that we had two sessions ago where if the people didn't pay the money that they would have so many days to change their minds, but in this case the salesman after making a sale and collecting the money and then 15 days later the customer has a change of heart and can have his money returned is not a wise thing. I hope that we will kill this bill.

Sen. BOSSIE: Sen. Ferdinando, is it true that under the present law there is a three day period?

Sen. FERDINANDO: I believe so.

Sen. BOSSIE: Is it not true that if a sale is made on a Friday and on a Sunday or Monday morning the customer sees that he does not want the item but the time lapse has made it impossible for him to have his money returned?

Sen. FERDINANDO: I think that the key principle here is that what we are trying to do is are we going to say that in essence if we pass this bill, we are discouraging people from going out to make a sale.

Sen. JACOBSON: Sen. Bossie, I thought you said that if you decided on Monday morning that the customer would have to get hold of his lawyer and if he couldn't get hold of his lawyer he'd be in trouble. I don't believe that it requires a lawyer to return the merchandise. Am I correct?

Sen. BOSSIE: It certainly doesn't.

Sen. JACOBSON: I would like you to clarify for me what you mean by large amounts?

Sen. BOSSIE: About 239 dollars for a set of encyclopedias.

Sen. Bossie moved that HB 775 be made a special order of business for 1:03 Monday next.

Adopted.

## HB 830

clarifying the statutes on explosives. Ought to pass with amendment. Sen. Bradley for the Committee.

## AMENDMENT

Amend RSA 158:30 as inserted by section 1 of the bill by

striking out same and inserting in place thereof the following:

158:30 Classes of Explosives.

I. Class A explosives or so-called dangerous explosives shall include: ammunition for cannon with explosive projectile; explosive projectiles; explosive grenades; explosive bombs; explosive mines; explosive torpedoes; rocket ammunition; chemical ammunition; explosive boosters; jet thrust units (JATO), class A; detonating primers; detonating fuses, boosters, or other detonating fuse parts containing an explosive; cartridge bags empty, with black powder igniters; percussion, tracer, combination time fuses and tracers; nitroglycerine blasting caps and electric blasting caps in quantity exceeding one thousand caps in the aggregate; dynamite; T.N.T. (trinitrotoluene); fulminate or mercury ammonia nitrate, when stored with, transported with, or used with explosives, or with any substance which, when mixed with ammonium nitrate, creates an explosive; or any substance highly susceptible to detonation or otherwise of a maximum hazard.

II. Class B explosives or so-called flammable hazards shall include: ammunition for cannon with empty projectiles, inert loaded projectiles, solid projectiles, or without projectiles or shell; rocket ammunition; jet thrust units (JATO), Class B; or any other substance highly susceptible to detonation.

III. Class C explosives or so-called minimum hazards shall include: explosives cable cutters; empty grenades, primed; explosive rivets; blasting caps and electric blasting caps, not exceeding one thousand caps; smokeless powder; small arms ammunition; igniters; delay igniters or fuse lighters; ammunition for cannon; ammunition for small arms with explosive bullets or explosive projectiles; black powder; primers.

Amend the introductory paragraph of RSA 158:32 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

No person shall have in his possession or under his control any high explosive Class A as defined in RSA 158:30, I, or any bomb manufactured from any substance or device as defined in RSA 158:30, I-III, contrary to the provisions of this chapter or any rule or regulation made thereunder. Whoever violates the provisions of this section shall be subject to the following penalty:

Sen. BRADLEY: This bill sets up a general statutory framework controlling the use of explosives. This bill is in response to some of the crimes that have been committed with explosives in recent months. There was a fear that this bill would prohibit people from using black powder and the bill has been amended to make it clear that it will not prohibit such recreational storage and use of that.

Sen. BLAISDELL: The amendment that you speak of, is that the amendment which is following?

Sen. BRADLEY: Yes, it is.

Amendment Adopted. Ordered to third reading.

Sen. Blaisdell moved that the rules of the Senate be so far suspended as to allow introduction of committee reports on HB 922 and HB 803 without previous notice in the Journal.

Adopted.

#### **HB 922**

relative to resident hunting privileges, licensing nonresidents dragging in salt water and raising fish and game license fees. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: This bill is relative to resident hunting privileges, licensing nonresidents dragging in salt water and raising fish and game license fees.

Adopted. Ordered to third reading.

#### **HB 803**

to reclassify the surface water of Nubansit Brook and the headwaters of Lake Skatutakee in the town of Harrisville. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: This is a bill to reclassify the surface water of Nubansit Brook and the headwaters of Lake Skatutakee in the town of Harrisville. The Recreation Development Committee along with the House feels that this is a necessary piece of legislation.

Adopted. Ordered to third reading.

#### **HB 814**

relative to sand eels. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, this bill restricts the taking of sand eels, except for residents of the state. These eels have been taken by out-of-staters from New Hampshire rivers and are used as bait by lobstermen and fishermen. The Fish and Game Department feels that they should be preserved.

Adopted.      Ordered to third reading.

**HB 799**

establishing a committee to study the financing of New Hampshire airports. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, HB 799 establishes a seven member committee, which includes three from the House of Representatives, two from the Senate appointed by the President, and one appointed by the Governor and one to be appointed by the New Hampshire Aeronautics Commission. This committee would study the financing of New Hampshire airports.

Adopted.      Ordered to third reading.

**HB 842**

permitting permanently disabled veterans to have a perpetual hunting and fishing license. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President and members of the Senate, HB 842 was introduced by Rep. Conley and this act provides that a special license issued to a resident veteran who is totally and permanently disabled shall be perpetual. The way the law reads today a permanently disabled veteran must have a slip or affidavit from the Veterans Administration saying that he is disabled. We feel that is not advisable.

Sen. BOSSIE: Did the committee give any consideration to the responsibility of granting the same privilege to all permanently disabled individuals?

Sen. BLAISDELL: We did not.

Sen. BOSSIE: Do you feel that that might be a good idea as well?

Sen. BLAISDELL: I would think that the legislation would be enacted.

Adopted.      Ordered to third reading.



**HB 919**

relative to the acquisition of a dam and water rights on the Winnepesaukee River by the water resources board. Ought to pass. Sen. Gardner for the Committee.

Sen. GARDNER: Mr. President, this bill provides for the acquisition of the Dam on the Winnepesaukee River in the City of Laconia. The cost would be \$25,000 for the Water Resources Board to take over the dam. There was no opposition to the bill.

Sen. Gardner moved that HB 919 be laid on the table.

Adopted.

**HB 292**

providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus. Ought to pass as amended. Sen. Brown for the Committee.

**AMENDMENT**

Amend RSA 270 as amended by section 1 of the bill by inserting after section 32 the following new section:

270:33 Any Type of Watercraft. An operator of any un-official or unauthorized watercraft of any type approaching within seventy-five feet of a diver's flag being displayed in accordance with RSA 270:31, shall be subject to the penalties provided in RSA 270:32, I and II. Official watercraft shall use precaution when official business requires them to be within the above-cited range.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Sen. BROWN: Mr. President, this is an act providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus. There is an amount of 75 feet which people must stay clear of divers in the area.

Amendment Adopted. Ordered to third reading.

**HB 299**

to designate certain highways as bicycle trails and making an appropriation therefor. Ought to pass as amended. Sen. Brown for the Committee.

## AMENDMENT

Amend RSA 12-B:4 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

12-B:4 Highway Bicycle Trails. The director of community recreation is authorized to designate with the approval of the commissioner of public works and highways and the commissioner of resources and economic development certain class I, II, III and IV highways as appropriate bicycle trails. He shall consult with the commissioner of public works and highways or his designate and with such other state and local groups as he deems appropriate in designating such highways bicycle trails.

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Appropriation. The sum of three thousand dollars is hereby appropriated for the biennium ending June 30, 1975 to carry out the purposes of this act. The director of community recreation of the department of resources and economic development with the approval of the commissioner of resources and economic development shall direct the expenditure of the sum hereby appropriated. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Sen. BROWN: This bill designates certain class highways such as 1, 2, 3, and 4 to appropriate bicycle trails and it also states that the director shall prepare a map that describes where the bicycle trails are.

Amendment adopted.                      Referred to Finance.

Sen. Gardner moved that HB 919 be taken from the table.

Adopted.

HB 919, relative to the acquisition of a dam and water rights on the Winnepesaukee River by the water resources board. Ought to pass. Sen. Gardner for the Committee.

Adopted.                      Ordered to Finance.

**HCR 18**

memorializing congress on the devastating effect on the state of New Hampshire of U. S. Public Law No. 92-603, re-

lating to Title 19 of the Social Services Act. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, HCR 18 has to do with the effect of Public Law 92603 on small hospitals, nursing homes and so forth. It requires the attendance of a psychiatrist at these small hospitals.

Sen. POULSEN: Mr. President, this was sponsored by Sen. Preston and has to do with the Odyssey House and they'd like the funds now being appropriated by the federal government who has cut their funding. The local people paid \$60,000 and the federal government paid \$200,000 to run this.

Sen. FOLEY: I'd like to rise in support of this resolution.

Resolution adopted.

**SR**

memorializing the governor and congressional delegation regarding the continued funding of drug abuse treatment program. Ought to pass. Sen. Poulsen for the Committee.

#### SENATE RESOLUTION

memorializing the governor and congressional delegation  
regarding the continued funding of drug  
abuse treatment program.

*Whereas*, we acknowledge that the problem of drug abuse is of serious concern to the citizens of the state of New Hampshire; and

*Whereas*, the Odyssey House of New Hampshire does have a drug rehabilitation resident facility in the town of Hampton; and

*Whereas*, for the past three years the citizens of New Hampshire have donated up to sixty thousand dollars annually to support this facility; and

*Whereas*, the federal government through the National Institute for Mental Health had previously indicated a willingness to fund this program in excess of two hundred thousand dollars because of this enthusiastic local support; and

*Whereas*, the said federal department recently announced that it will not fund the Odyssey House facility, which will therefore necessitate its closing on July 1, 1973;

*Now therefore be it Resolved by the Senate Convened:*

That the Governor and Members of the United States Congressional delegation take action expeditiously to change the decision not to fund the aforementioned drug treatment facility thereby allowing this much needed facility to continue to operate.

*Be it Further Resolved*, that certified copies of this resolution be forwarded by the Secretary of State to the Governor and to Members of the United States New Hampshire congressional delegation.

Resolution adopted.

Sen. Porter moved that the rules of the Senate be so far suspended as to allow for an introduction of HB 150 not previously advertised in the Journal.

Sen. PORTER: Mr. President the bill being HB 150, the bill that we had a hearing on today in Resources. In the interest of having HB 150 and HB 151 I would like to bring it into the Senate and have it referred to Finance.

Adopted.

#### **HB 150**

providing for solid waste disposal and resource recovery. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: This bill addresses a wider range of problems like solid waste disposal centers. It provides for the towns to establish and receive and spend revenue for solid waste and recycling. In addition it provides the ability for reasonable cooperation between several areas. There was no one in opposition to this.

Adopted. Referred to Finance.

RECESS

OUT OF RECESS

#### **HB 574**

relative to advanced registered nurse practitioners. Ought to pass with amendment. Sen. Gardner for the Committee.

AMENDMENT

Amend RSA 326-A:5-a, II as inserted by section 2 of the

bill by striking out said paragraph and inserting in place thereof the following:

II. An A.R.N.P. may possess for emergency use only, such prescription drugs as agreed upon jointly by the state board of medicine, the state board of nursing and the commission of pharmacy.

Sen. GARDNER: Mr. President, this bill establishes the category of Advanced Registered Nurse Practitioner (A.R.N.P.) within the nursing profession. The bill does the following:

1. It establishes a realistic mechanism for "filling the gaps" in the delivery of health services to the people of New Hampshire.
2. It promotes quality, protects the public and assures the availability of competent and safe health care.
3. It promotes the effective utilization of the qualified R.N. as a primary care provider at a time when the demand for services to prevent illness and maintain health is continuously increasing.
4. It promotes interdisciplinary planning between medicine and nursing for the overall improvement of health care delivery.
5. It protects the R.N. from undue risks, compromise and exploitation.

As amended the pharmacists, doctors and nurses are all in favor of passage of this bill.

Amendment Adopted.      Ordered to third reading.

## HB 689

relative to prohibiting the use of petroleum powered boats on Mount William Pond in the town of Weare. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, this bill deals with the prohibiting of petroleum powered boats on Mount William Pond in the town of Weare. This bill was introduced by Rep. Thomson from District 7. The Recreation Development Committee feels that this is good legislation and that we should go along with it.



Sen. PORTER: Sen. Blaisdell, does this mean all petroleum powered boats will be in the next lake over?

Sen. BLAISDELL: If your boat is in the next lake they will all be there.

Sen. NIXON: Mr. President, I would appreciate the support of the Senate on this bill. The pond is located in Weare which is a nice district and I hope that the Senate will support this bill.

Adopted.      Ordered to third reading.

**HB 548**

revising the day care advisory committee to provide for representation by users of day care facilities. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President, this bill allows a sixteen member committee to revise the day care advisory group which is composed of a member of the Senate, two members of the House and the Chief of Child Welfare and a group of three members from the Bureau of Health and Welfare and eight people appointed by the House of Representatives and the Public Health Division.

Adopted.      Ordered to third reading.

**HB 625**

relative to continuing education for optometrists and increasing the renewal license fee for optometrists. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: Mr. President, this is relative to continuing education for optometrists and increasing the renewal license fee for optometrists. It was agreed by the committee report that this ought to pass.

Adopted.

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to waive reference to Finance in respect to HB 625.

Adopted.      Ordered to third reading.

**HB 986**

relative to recovery of medical assistance from legally lia-

ble parties. Ought to pass with amendment. Sen. Preston for the Committee.

### AMENDMENT

Amend RSA 167:14-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

#### 167:14-a Recovery of Medical Assistance.

I. Any person who is a recipient of medical assistance shall, by his acceptance of such medical assistance, be deemed to have assigned any claim or right of action against any person or party to the director of the division of welfare, department of health and welfare, to the extent that such medical assistance is furnished.

II. Whenever a recipient of medical assistance shall have a legally cognizable claim against any person or party for his medical expenses and the division of welfare, department of health and welfare has already furnished medical assistance to such recipient, the amount of medical assistance furnished may be recovered in an action brought in the name of the state from such person or party against whom the recipient has a legally cognizable claim for medical expenses.

Sen. PRESTON: This bill would authorize the recovery of medical assistance from legally liable parties, such as insurance companies, etc.

Amendment Adopted.      Ordered to third reading.

#### HB 867

authorizing cities of more than eighty thousand population to appoint a director of human services. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This bill would be authorizing cities of more than eighty thousand population to appoint a director of human services. This would change the title of Director of Welfare to the Director of Human Services.

Sen. BOSSIE: Mr. President, I support the committee report. This would apply only to the City of Manchester.

Adopted.      Ordered to third reading.

**HB 505**

to delete the positions of warden and deputy warden of the state prison from the list of positions which are entitled to maintenance and to increase the statutory salary for each of these positions. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: This is an act to delete the positions of warden and deputy warden of the state prison from the list of positions which are entitled to maintenance and to increase the statutory salary for each of these positions.

Adopted.

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to waive referral to Finance and send HB 505 to third reading at this time.

Adopted.      Ordered to third reading.

**HB 889**

providing means for settlement of disputes between public school teachers and school districts or supervisory unions and for the other purposes. Ought to pass as amended. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, the slight amendment to HB 889 is the substitution of SB 196 into HB 889 and the deletion of the bill that was passed over from the House. The question of doing this was raised at the hearing and one representative indicated that they would nonconcur with this and would get a committee of conference to iron out the problems. The committee voted to go along with these suggestions and it is felt that what is being accomplished here is to help to bring the issue of negotiation to a head.

Sen. Jacobson moved that HB 889 be made a Special Order of Business for 1:04 Monday next.

Sen. JACOBSON: Mr. President, I don't think that there is anyone in this chamber who doesn't know that this is a hot issue and I did not know until this morning that the substitution had taken place. I had been under the impression that an agreement had been reached and now I discover that there was no such agreement. I think that we should take some time to consider this.

Sen. S. SMITH: Senator Jacobson, are you aware of the

fact that when SB 196 was before the Education committee that it was requested by the parties concerned that it was asked that they sit down and come to an agreement. When they reached this conclusion they then closed the School Board Association.

Sen. SPANOS: I would like to speak against Sen. Jacobson's motion to make this a special order. I oppose this because when we did pass SB 196 we rejected conceptually the idea of putting teachers under one law and accepted the concept of putting all teachers under one roof. What we have here now is a bill which destroys that concept. I think that's a bad thing for the entire state. Rather than kill 889 we thought it would be a good idea to amend HB 889 to include our version.

Sen. JACOBSON: If we do not adopt my motion and if we do pass the amended version, you expressed a concern that you did not want to lose the entire bill, but is it not also possible that over in the House that they may simply nonconcur and we would not get a committee of conference?

Sen. SPANOS: That is very possible but I don't think that will happen.

Sen. BOSSIE: I rise in opposition to the motion by Sen. Jacobson.

Sen. GREEN: I do feel that there are some discrepancies here that have not come out. First of all when SB 196 first came before the Education committee there was a concern by groups who did not agree with it and I would venture to say that I personally talked to all of the groups involved and I also feel the State School Board Association was under the pressure of not knowing what was going to happen to HB 889.

I would like to verify the fact that all of the groups involved did agree that SB 196 would be livable in concept. So I rise in opposition to the motion.

Sen. BRADLEY: I rise in support of Sen. Jacobson's motion. I do wish to make it clear that I was voting for SB 196.

Sen. GREEN: By the bill being detained, how will that improve having a hearing before the Senate?

Sen. BRADLEY: It's my feeling that the purpose of the special order is to make sure that everyone has had a chance to examine HB 889.

Sen. BLAISDELL: Do you feel that in the next two days that we will be able to decide the two questions involved in this bill?

Sen. BRADLEY: Yes, it is my impression.

Sen. BROWN: I rise in support of the motion of Senator Jacobson.

Division: Yeas, 13; Nays, 8.

Roll call requested by Sen. Spanos, seconded by Sen. S. Smith.

Yeas: Lamontagne, Poulsen, Gardner, Bradley, Jacobson, Porter, McLaughlin, Claveau, Ferdinando, Sanborn, Provost, Brown, and Preston.

Nays: S. Smith, Green, Spanos, Blaisdell, Trowbridge, R. Smith, Bossie, Johnson, and Foley.

Result: Yeas, 13; Nays, 9.

Motion adopted.

## HB 725

to prohibit unmarked cars for use by law enforcement officials for apprehending traffic violators. Ought to pass with amendment. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, basically what this bill does is to limit or prohibit the unmarked cars for use by law enforcement officials for apprehending traffic violators. This would provide that only those state police vehicles that are used for traffic control would be so marked.

Sen. BLAISDELL: Are you saying that everybody else in the state can use unmarked cars and that the State Police can't?

Sen. BOSSIE: Under this amendment that would be the case.

Sen. Blaisdell moved that HB 725 be indefinitely postponed.

Sen. BOSSIE: Mr. President, I speak in opposition to the motion of Senator Blaisdell. In my opinion nothing has been demonstrated that would show that deaths on our highways are decreased by having unmarked vehicles. In fact I feel that the passing of this bill would not inhibit the State Police.



Sen. S. SMITH: Mr. President, I rise in support of the motion by Senator Blaisdell for indefinite postponement. I don't think that there's any question that unmarked cars have made believers out of a lot of people including myself. I have ridden in an unmarked police car and I spent some time on Interstate 93 and I found that when the officer driving the car flipped his blue light and put on his hat that there was no question in anyone's mind as to who was driving that car and what the car was about.

Sen. GREEN: I rise in support of the motion that is on the floor. I believe that there are some things that become knowledge to the police by having these unmarked cars.

Sen. SPANOS: I rise in opposition to the motion as offered by Sen. Blaisdell. I do so primarily for the reason that I know that the sponsor of the bill indicated that any other effort to encompass all of the police would make this bill an impossibility.

Sen. PRESTON: I would like to speak against this bill. I think we should allow the police the discretion of carrying out the traffic laws.

Sen. JOHNSON: What does the Commissioner of Public Safety or Colonel Doyon have to say about this?

Sen. BOSSIE: It's obvious that the State Police is only under one department and that they were opposed to it.

Sen. FERDINANDO: I support Sen. Bossie's bill.

Sen. CLAVEAU: I rise in support of the pending motion.

Sen. BLAISDELL: Sen. Ferdinando, do you think that we should dress up our detectives in big suits?

Sen. FERDINANDO: I don't think that has any bearing.

Roll call requested by Sen. Bossie, seconded by Sens. Green, Spanos, and Provost.

Yeas: Sens. Lamontagne, Poulsen, S. Smith, Gardner, Bradley, Green, Jacobson, Nixon, Blaisdell, Claveau, Sanborn, Provost, Brown, Johnson and Preston.

Nays: Sens. Spanos, Trowbridge, Porter, McLaughlin, R. Smith, Ferdinando, Bossie, and Foley.

Result: Yeas, 15; Nays, 8.

Adopted.

### **HB 257**

relative to the prohibition of certain promotional games. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill would prohibit the offering of promotional tickets and the games of chance that the gas stations typically put out for the purpose of inducing retail sales. The non-profit and charitable organizations have been exempted from this and the lottery and sweepstakes tickets.

Sen. TROWBRIDGE: Sen. Bradley, quite a while ago some people from the Reader's Digest were around here saying that this bill if it were passed would prohibit anybody receiving those mailings that the Reader's Digest makes. Is that the case?

Sen. BRADLEY: There was testimony to that effect and I did not hear the testimony. I'm not capable of telling you how this will effect Reader's Digest.

Sen. TROWBRIDGE: Sen. Bradley if you can't find somebody else to report the bill and you weren't there, do you have any real feeling that this bill is needed?

Sen. BRADLEY: That's a fair question, the committee voted this ought to pass.

## **RECESS**

### **OUT OF RECESS**

Sen. Blaisdell moved that HB 257 be laid on the table.

Adopted.

Sen. Poulsen moved that HB 755 be taken from the table.

Adopted.

HB 755, conferring immunity from civil suit on municipal executives acting in their official capacity. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. Poulsen moved that the words ought to pass be substituted for the words inexpedient to legislate.

## RECESS

## OUT OF RECESS

Sen. POULSEN: I am not happy with the possibility of everyone being able to bring suits against me in the decisions that I do in time or not in time. I think that protection is needed.

Sen. JACOBSON: Mr. President, I would like to rise in support of the motion by Sen. Poulsen, both in terms of the general principle and even in terms of being a selectman in a community. A selectman has all kinds of decisions to make and if he's going to be worried about these suits this would be a difficult thing.

Sen. TROWBRIDGE: Mr. President, I firmly support this bill.

Sen. Bradley moved that HB 755 be made a Special Order of Business for Thursday next.

Sen. BRADLEY: I regret having to make such a motion but my concern is simply this. HB 755 goes to a problem which is dear to my heart and I am fully in sympathy with this bill. However, I have a bill of my own which has passed the Senate and is over in the House. I think that my bill is a much stronger and better bill. My bill protects the people who are protected in this bill and all town officials, school board officials and town municipal officials and employees.

Sen. LAMONTAGNE: Reversing the question, if we now kill this bill and yours is killed then you will have nothing?

Sen. BRADLEY: I don't want you to kill this bill. I would like to have this made a special order.

Sen. POULSEN: I rise in favor of making this a special order.

Adopted.

**HB 818**

relative to the administration of the revenue laws. Ought to pass with amendment. Sen. Brown for the Committee.

## AMENDMENT

Amend the introductory paragraph of RSA 71-B:16, as

inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

71-B:16 Order for Reassessment. The board may order a reassessment of taxes previously assessed or a new assessment to be used in the current year or in a subsequent tax year of any taxable property in the state:

Amend RSA 71-B:17 as inserted by section 2 of the bill by striking out said section and inserting in place thereof the following:

71-B:17 Procedure For. When ordered to make an assessment or reassessment the selectmen or assessors shall make it within such time as the board orders. If a town meeting or a city council prior to the expiration of the time prescribed in the order votes to have a complete appraisal or reappraisal made of all of the taxable property in the town or city, under terms and conditions satisfactory to the board, then the order of the board is suspended until such time as the appraisal or reappraisal is completed. If the appraisal or reappraisal is satisfactory to the board the order shall be removed. If the assessment or reassessment is not made in conformity with the order, except as above provided, or if it is not satisfactory to the board, the board may certify the order to the commissioner of revenue administration who shall cause the reappraisal to be made by his department or by professional appraisers employed for the purpose. The commissioner of revenue administration is authorized to incur the expense of the appraisal and to certify the cost thereof to the governor who shall draw his warrant on the state treasury out of any money not otherwise appropriated authorizing payment of the sum so certified.

Sen. BROWN: Senator Smith worked on this during the Interim Study Committee and I'll refer to him to have him explain this bill.

Sen. S. SMITH: Mr. President, this bill has had a long history. It was introduced in the 1969 session of the legislature. It went to a study committee. It was introduced in the 1971 session from the study committee without much agreement and it then went to the 1971 session to another study committee and to the 1971 special session. What the bill in effect does is deal with many versions of statutes. It separates the administrative and the judicial function of the present tax commission and sets

up a department relevant to the administration of revenue laws. It sets the present three member board aside from the administrative function and gives them under the present system all the judicial and quasi-judicial functions.

Sen. GREEN: Senator Smith, I was aware that there was an amendment to this?

Sen. S. SMITH: There was an amendment which was brought in by the Tax Commissioner.

Sen. JACOBSON: I think you stated that the Tax Commission as it is presently composed with the same terms of office will be transferred as a separate quasi-judicial body and continue to be appointed by the Supreme Court. Is that correct?

Sen. S. SMITH: Yes.

Sen. JACOBSON: This is approximately the same bill that you sponsored in the 1971 session?

Sen. S. SMITH: That's true.

Sen. JACOBSON: What is the new term of office for the Commissioner of Revenue?

Sen. S. SMITH: He shall have a five year term.

Sen. JACOBSON: Could you tell me what areas will come under his control?

Sen. S. SMITH: I do not believe that there are any additions or deletions.

Amendment Adopted.      Referred to Finance.

## HB 866

allowing local wineries to sell wine directly to the consumer at the winery. Ought to pass with amendment. Sen. Brown for the Committee.

## AMENDMENT

Amend RSA 178 as inserted by section 1 of the bill by inserting after section 2-c the following new section:

178:2-d Payments to the Commission.

I. The holder of a limited winery special sales license shall pay to the commission an amount equaling thirty percent of the



established commission markup on these products, for sales made by licensee on said premises.

II. Payment shall be made on a monthly basis and shall be paid to the commission on or before the tenth day of the following month.

III. Retail prices of table wines sold under the provisions of this section shall not be less than those prices in effect at state stores.

Sen. BROWN: Mr. President, HB 866 permits a wine producer licensed in the state of New Hampshire to sell wine directly to the consumer at the winery.

Amendment Adopted.      Ordered to third reading.

Sen. Blaisdell moved that HB 387 be taken from the table.  
Adopted.

#### **HB 387**

relative to providing a uniform open deer season throughout the state. Inexpedient to legislate. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: It was resolved by the committee that HB 387 was inexpedient to legislate. HB 387 was an act relative to providing a uniform open deer season throughout the state.

Adopted.

### **HOUSE MESSAGES**

#### **HOUSE REQUEST CONCURRENCE WITH AMENDMENT TO**

SB 90, relative to the termination of parental rights.

(See House Journal)

Sen. Gardner moved the Senate concur with house amendment.

Amendment Adopted.

SB 187, clarifying the authority of county conventions to set salaries, relative to the payment of certain Merrimack county salaries, and relative to the per diem of the Merrimack county executive committee.

(See House Journal)

Sen. Jacobson moved that the Senate concur with the House amendment.

Sen. JACOBSON: What the amendment does is it continues the Merrimack County Sheriff in the statutes but says that it shall be not less than \$15,000 in salary without any fees. It also changes the ability of Merrimack County to pay their county officials on a monthly basis instead of a quarterly basis. That leaves only two counties that would still continue to have it on a quarterly basis.

Amendment Adopted.

SB 118, providing a ten year statute of limitations on the legacy and succession tax for title purposes.

(See House Journal)

Sen. Spanos moved that the Senate concur with the House amendment.

Amendment Adopted.

Sen. Sanborn moved that the Senate revoke its action whereby it recalled HB 358 from the Governor's office.

Adopted.

Sen. Poulsen moved that the rules of the Senate be so far suspended as to introduce SCR 10 waiving public hearing and notice in the Journal, and that it be acted on at this time.

Adopted.

SCR 10, relative to the flagpole at the Old Post Office. Inexpedient to legislate.

Sen. POULSEN: This has to do with the Pierce Brigade receiving the flag pole from the Post Office building.

Resolution adopted.

#### SPECIAL ORDER OF BUSINESS 1:02

##### HB 307

providing for the preservation of open space land by assessment at valuations based upon the current use thereof and by permitting discretionary easements of development rights; creating a current use advisory board and making an appropriation therefor. Ought to pass with amendment. Sen. Porter for the Committee.

## AMENDMENT

Amend RSA 79-A:2, IV as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

IV. "Flood plain" means any land located within flood hazard areas as delineated by maps or flood profiles based upon studies of prior floods on such lands, prepared by the U. S. corps of engineers, or the U. S. geodetic survey, or other competent authority having statutory jurisdiction thereof, which land may be classified as such by the adoption of such maps or profiles by the board.

Sen. PORTER: The amendment is a simple amendment which merely changes the wording and definition of "flood plain area" to conform with the same wording as is used in SB 1 because the wording, the flood plains commission was the subject of SB 47. So this changes the definition of the flood plains area.

Sen. PORTER: I think most of us are familiar with the concept of open space and preferential tax treatment. The subject of HB 307 has been with us for several years. This will protect the open space in the state that is threatened by our urban development. It maintains a means of keeping land in an open space. And this bill provides for a development easement. This provides for the preservation of open space land by assessment at valuations based upon the current use thereof and by permitting discretionary easements for development rights; creating a current use advisory board and making an appropriation therefor.

Sen. JOHNSON: Land that has been blocked up underneath the previous bill for the past two years, now does this bill automatically take over? What happens so that there is no loop-hole?

Sen. PORTER: That is the subject of a separate bill coming through.

Sen. TROWBRIDGE: Is this equalized by the Tax Commission?

Sen. PORTER: The requirements of the constitution allow a 100% taxation.

Sen. JACOBSON: Suppose our state senator from the second district who happens to be an assessing official in his town, could he also serve under this capacity?

Sen. PORTER: In my view he could.

Sen. JACOBSON: On this matter of the tax commission entering into the reclassified, it says any or all land. Does this mean that the Tax Commission can then come in and under what conditions?

Sen. PORTER: They may order a reclassification under the provision of chapters 1, 2, 3, when in the judgment of the Commission that it should be reclassified.

Sen. JACOBSON: It says that the person who has asked for the discretionary easement may get a release from it on the demonstration of extreme personal hardship. I could not find where the selectmen must release it or whatever the agency is.

Sen. PORTER: I would think that if the owner demonstrated this to the selectmen they would yield this easement back to the owner of that land.

Sen. BOSSIE: Sen. Porter there has been substantial opposition to this bill from the New Hampshire Municipal Association. Can you tell us basically what concern they have with this bill?

Sen. PORTER: I am not aware of all of their objections. In summary I think that they feel that there will be a shift in the tax burden in several of the towns and cities in the state.

Sen. BOSSIE: What is your answer to that?

Sen. PORTER: My answer is that I don't think that will take place.

Sen. BOSSIE: I am very interested in the part of the bill in regards to the 10% ad valorem tax. So you feel that this 10% tax is worthwhile. And has your committee considered the possibility of deferring the tax?

Sen. PORTER: With the various testimony related to the firemen in the southern part of the state where they showed that this property as it increases in value each year the assessment price then increases. So I do feel that the ten percent would cover any prices lost in property taxes.

Sen. BOSSIE: Has your committee in considering HB 307 considered a tax deferral plan?

Sen. PORTER: I think that would be very difficult book-keeping and would create a burden.

Sen. JOHNSON: HB 941 which extends the current use assessment, is that the bill to which you refer?

Sen. PORTER: I believe that is the bill in question.

Sen. JOHNSON: If this land is sold after April 1974 what will the town get out of that?

Sen. BRADLEY: There would be no tax recaptured if the use did not change. If it were turned into a development then it would be taxed.

Sen. SANBORN: Sen. Porter, I have a hundred acres of land on which I have a house and the rest of the acres are open space. My son gets out of the Navy next year and I'd like to give him a place to live so I give him 50 acres of land. Do I pay this tax for this land?

Sen. PORTER: You own a hundred acres and you are receiving preferential tax treatment on the land but you take that fifty acres now and you give it or sell it and you still keep it open space and don't change the use then in my view that won't change it.

Sen. BRADLEY: I rise in support of this bill. This is a subject which is very difficult to come up with anything other than approaches to the question. This would not just be the person who holds land under this.

Sen. POULSEN: I'd like to rise in support of this bill. Under this concept the land can be held for the growing of timber and this law protects that.

Sen. GARDNER: I'd like to be recorded as being and having voted in favor of this bill.

Sen. Spanos moved the previous question.

Adopted.

Amendment adopted.

Sen. Trowbridge moved that the rules of the Senate be so



far suspended as to dispense with referral to Finance and order to third reading at this time.

Adopted. Ordered to third reading.

All Senators wished to be recorded as voting in favor of HB 307.

#### HOUSE REQUESTS CONCURRENCE WITH AMENDMENT ON

SB 180, requiring the bonding of new and used car dealers.

(See House Journal)

Sen. Downing moved that the Senate concur with the House amendment.

Amendment Adopted.

#### HOUSE NON CONCURRENCE AND REQUEST FOR A COMMITTEE OF CONFERENCE ON

HB 193, requiring open vehicles to be covered when carrying particulate material.

The speaker has appointed as members of said committee of conference on the part of the House, Reps. Raymond, J. Murrary, Hanson, and Lebel.

On motion by Sen. Claveau the Senate voted to accede to the request for a committee of conference and the chair appointed as conferees on the part of the Senate, Sens. Claveau, Porter and Sanborn.

#### ENROLLED BILLS AMENDMENT

HB 358, relative to overtime pay for nursing home employees. Ought to pass. Sen. R. Smith for the Committee.

#### AMENDMENT

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Overtime Pay for Nursing Home Employees. Amend RSA 279:21 (supp) as amended by inserting after paragraph VI the following new paragraph:

VII. Nursing Home Employees. Employees of any nursing home, as

Sen. R. SMITH: HB 358 as amended relates to overtime pay for nursing home employees. It amend the chapter on minimum wages.

Sen. SPANOS: I am concerned about this measure because I have been told that it is of serious consequence if this isn't passed today.

Amendment Adopted.

Sen. Bradley moved whereby HB 893 was referred to Judiciary be vacated and be referred to the committee on Executive Departments, Municipal and County Government.

Adopted.

Sen. Porter moved that HB 307 be placed on third reading and final passage at this time.

Adopted.

Third reading and final passage

HB 307, providing for the preservation of open space land by assessment at valuations based upon the current use thereof and by permitting discretionary easements of development rights; creating a current use advisory board and making an appropriation therefor.

Adopted.

Sen. Porter moved reconsideration of HB 307.

Motion lost.

RECESS

OUT OF RECESS

Sen. Downing moved that the rules of the Senate be so far suspended as to waive notice of report in the Journal on HB 475 and HB 618.

Adopted.

**HB 475**

relative to fees payable to cities and towns where racing

meets are held. Ought to pass with amendment. Sen. Downing for the Committee.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Fees for Racing Meets. Amend RSA 284:23, IV as amended by striking out said paragraph and inserting in place thereof the following:

IV. Each person, association or corporation licensed to conduct a race or race meet under this chapter shall also pay to the city or town treasurer in which the racing plant is located for each weekday of racing, three hundred dollars; for each Sunday of racing, twelve hundred dollars, provided said person, association or corporation has a license to conduct races or race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct races or race meets for eight days or less, the said per diem fee shall be determined by the commission.

2 Effective Date. This act shall take effect upon its passage.

Sen. DOWNING: Mr. President, these bills are not previously shown in the Calendar. One bill is related to racing fees and has an amendment to it which would increase the Sunday fee to 1200 dollars. The sponsors of the bill and the people who are going to pay the bill seem agreeable to this.

Sen. Ferdinando moved that HB 475 be made a Special Order of Business for Tuesday next.

Sen. DOWNING: All the amendment does is recommend that the bill increase the daily fees. There was little opposition.

Sen. LAMONTAGNE: Mr. President, I rise in opposition to the pending motion. As much as I respect Senatorial courtesy I feel that this should be acted on now.

Sen. Ferdinando withdrew his motion.

Adopted.      Ordered to third reading.

### HB 618

increasing the commission on pari-mutuel pools at horse and harness races and changing the tax payable to the state. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: The title of the bill is self explanatory but I think that most of the members of the chamber are familiar with its purpose. We have a major industry in the state, that is the major revenue produced for the state as well, that's in very serious position relative to its financial stability.

Sen. BOSSIE: Sen. Downing, I apologize for not being a part of this conversation. Has the committee been provided a profit and loss statement?

Sen. DOWNING: The House Appropriations Committee was provided that.

Sen. PRESTON: I attended the House hearings and I'm from an area where we attract a lot of tourists and I do hear the various comments. I was impressed by the figures that I heard and to maintain the quality of operation we must complete and these monies are essential.

Sen. LAMONTAGNE: Sen. Downing can you tell the Senate how many people were in opposition to this?

Sen. DOWNING: There wasn't any opposition to the bill.

Sen. Ferdinando moved that HB 618 be made a Special Order of Business for 1:01 on Tuesday next.

Sen. DOWNING: I don't think that anyone needs to be informed of the details of this bill or its importance.

Sen. TROWBRIDGE: I want to speak in favor of Sen. Ferdinando's motion, primarily because we have a hearing on the companion bill next Monday.

Sen. LAMONTAGNE: I thought that when we got together that we were going to have a package of these three bills that I've just mentioned. I feel that this is urgent.

Sen. JACOBSON: Is HB 463 going to be passed today?

Sen. LAMONTAGNE: I'm hoping that it will.

Sen. JACOBSON: As I understood the Finance Chairman he's going to hold a hearing on it on Monday?

Sen. LAMONTAGNE: Well, the chairman was here when he was in the conference.

Sen. Ferdinando withdrew his motion.

Sen. GREEN: I rise in support of the motion on the floor.

Sen. Blaisdell moved the previous question.

Adopted.

Adopted. Ordered to third reading.

Sen. Downing moved that HB 618 be put on third reading and final passage at the present time.

Adopted.

Third reading and final passage

HB 618, increasing the commission on pari-mutuel pools at horse and harness races and changing the tax payable to the state.

Adopted.

Sen. Downing moved reconsideration of HB 618.

Motion lost.

Sen. Downing moved that HB 475 be placed on third reading and final passage at this time.

Adopted.

Third reading and final passage

HB 475, relative to fees payable to cities and towns where racing meets are held.

Adopted.

Sen. Downing moved reconsideration of HB 475.

Motion lost.

Sen. FOLEY: I move that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the readings of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 837, establishing the American and Canadian French cultural exchange commission.



HB 182, providing for the perambulation of the N. H.-Massachusetts boundary line and funding the perambulation of the N. H.-Maine boundary line and making appropriations therefor.

HB 1047, continuing the office space study committee.

HB 793, providing for the state treasurer to establish a special fund for reimbursements received for prefinanced water pollution control projects.

HB 1004, increasing the limit on the amount of bonds which may be guaranteed by the state for water supply and pollution control projects.

HB 640, authorizing the governor to enter into contracts with veterinary medical schools.

HB 512, providing for overtime pay to state employees engaged in snow grooming and farming.

HJR 30, JOINT RESOLUTION relative to the purchase of fire trucks for the city of Concord and Keene and making an appropriation therefor.

HB 483, to provide for republishing or recompiling volume 3-A of Revised Statutes Annotated and making an appropriation therefor.

HB 527, to provide for replacement volumes 5, 5-A and 6 for Revised Statutes Annotated and to provide a complete set of Revised Statutes Annotated for each standing committee of the house and senate and making an appropriation therefor.

HB 484, to provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor.

HB 805, relative to indemnification agreements between architects, engineers, or surveyors and owners, contractors or subcontractors.

HB 973, to amend the uniform commercial code with respect to the manner of transferring investment securities.

HB 690, to provide that entry fees for small claims actions go to municipality in which the court is regularly located.

HB 566, prohibiting the unauthorized copying of certain recorded devices for sale.

HB 54, relative to the passage of testate or intestate real and personal property to a surviving spouse and to other persons.

HB 830, clarifying the statutes on explosives.

HB 922, relative to resident hunting privileges, licensing nonresidents dragging in salt water and raising fish and game license fees.

HB 803, to reclassify the surface water of Nubansit Brook and the headwaters of Lake Skatutakee in the town of Harrisville.

HB 814, relative to sand eels.

HB 799, establishing a committee to study the financing of New Hampshire airports.

HB 842, permitting permanently disabled veterans to have a perpetual hunting and fishing license.

HB 292, providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus.

HB 574, relative to advanced registered nurse practitioners.

HB 689, relative to prohibiting the use of petroleum powered boats on Mount William Pond in the town of Weare.

HB 548, revising the day care advisory committee to provide for representation by users of day care facilities.

HB 625, relative to continuing education for optometrists and increasing the renewal license fee for optometrists.

HB 986, relative to recovery of medical assistance from legally liable parties.

HB 867, authorizing cities of more than eighty thousand population to appoint a director of human services.

HB 505, to delete the positions of warden and deputy warden of the state prison from the list of positions which are entitled to maintenance and to increase the statutory salary for each of these positions.

HB 866, allowing local wineries to sell wine directly to the consumer at the winery.

Sen. Gardner moved the Senate adjourn at 6:05 p.m.

*Monday, 18Jun73*

The Senate met at 1:00 p.m.

A quorum was present.

Prayer was offered by Sen. Jacobson.

How generous Thou art, dear Father of all, whom gives to us — good friends of the heart, on this crowded earth of ours!

The friends we are drawn to by some mystical force. The ones we recognize and understand immediately. We are blessed by this great gift.

Lead us on, to find and understand, our brothers, whom carry a bit less of this quality to us. Find within them a bond that will lead to unity and respect one for the other.

All this we thank Thee for, as we begin this week's work, refreshed in spirit, heart and mind. Amen.

Pledge of Allegiance was led by D. Frank O'Neil, Manchester Union Leader reporter.

## HOUSE MESSAGES

### HOUSE REQUESTS CONCURRENCE WITH AMENDMENT TO

SB 169, relative to transfers to the New Hampshire state hospital for observation.

Sen. Provost moved that SB 169 be laid on the table inasmuch as Sen. Lamontagne wishes to be present when it is presented.

Adopted.

## COMMITTEE REPORTS

### **HB 883**

relative to the powers of county commissioners. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This bill clarifies the RSA's. It's an act relative to the powers of county commissioners.

Adopted. Ordered to third reading.

**HB 854**

relative to the duty of county treasurers. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, this is a bill relative to the duty of county treasurers. This bill requires the county treasurer to appear in person before the executive commission of the county convention to get the final support for any additional appropriations.

Adopted.      Ordered to third reading.

**HB 629**

relative to the fees for birth registration cards, vital statistics records and certificates of marriage. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, this is an act relative to the fees for birth registration cards, vital statistics records and certificates of marriage. It increases the fees due to inflation and these are in line with other cities.

Sen. BOSSIE: Sen. Johnson would you like the Senate to realize the present cost of the fees and what they would be?

Sen. JOHNSON: The new rate for the birth registration cards will be two dollars. The fee for vital statistics will be two dollars and marriage certificates go from three to five dollars.

Adopted.      Ordered to third reading.

**HB 178**

relative to the amount of fees to be collected by the register of deeds for Rockingham County. Inexpedient to legislate. Sen. Preston for the Committee.

Sen. PRESTON: This legislation was found to be redundant.

Adopted.

**HB 909**

authorizing a special town meeting of the town of Pittsfield with the authority of an annual town meeting. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This is a bill authorizing a special town meeting of the town of Pittsfield with the authority of an annual town meeting.

Sen. BOSSIE: Sen. Preston, why didn't the town of Pittsfield petition the superior court that they wanted this?

Sen. PRESTON: They chose the legislature as it was in session.

Adopted.      Ordered to third reading.

Sen. Downing moved that HB 739 be vacated from the Ways and Means committee and referred to Executive Departments, Municipal and County Governments.

Adopted.

#### **HB 934**

relative to the composition of the ballot law commission. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: This is a bill relative to the composition of the ballot law commission. This bill amends the RSA 6-1 under the assistant attorney general. As a result of this bill, in the absence of the attorney general, the assistant attorney general will have the authority to act as one ad hoc committee.

Adopted.      Ordered to third reading.

#### **HB 875**

relative to the salaries of the Somersworth city council. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: This House Bill is relative to the salaries of the Somersworth City Council. This will go on the ballot this November for voters' decision.

Adopted.      Ordered to third reading.

Sen. Green is recorded in favor of the bill.

#### **HB 940**

redistricting the city of Somersworth. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: This is a bill redistricting the city of Somersworth. Now there will be five wards with a total of 1,850 people in each ward.

Adopted.      Ordered to third reading.

Sen. Green is recorded in favor of the bill.



**HB 1051**

amending the charter of the city of Somersworth relative to abolishing the police commission, the appointment of the police chief and the composition of the school board. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, this is an act amending the charter of the city of Somersworth relative to abolishing the police commission, the appointment of the police chief and the composition of the school board.

Adopted.      Ordered to third reading.

Sen. Green is recorded in favor of the bill.

**HB 532**

providing a definition for terms of appointment and designating certain exceptions. Ought to pass. Sen. Johnson for the Committee.

Sen. JACOBSON: Mr. President, as originally introduced this was a 30-page bill. This became a two-page bill. It establishes that the terms of offices for people like the commissioner of DRED or the attorney general or any number of these offices will be for a defined period. You will remember that that controversy arose over the Hoik appointment. Whether it was for the remainder of the term or whether it was for a full term. As a result of that controversy a bill was introduced and what this has done is that it establishes a term so that if there is a holdover and the holdover is not reappointed the person who is appointed has it only for the remainder of that term. There are some exceptions to this. One is the Commissioner of Health and Welfare and that was the controversial one in the terms of whether it should be on the holdover basis or whether it should be a full term.

This bill also exempts from this basic position such offices as the records of different divisions in the Health and Welfare Department and the Superintendent of the New Hampshire Hospital. These people are very highly technical personnel and that instead of having them for a holdover term that they would then be offered a full term. So with the exception of these persons that I have mentioned, it establishes the principle that if a holdover continues into the next stage and he is not appointed he will keep the position until the end of the term.

Adopted.      Ordered to third reading.

**HB 14**

abolishing the six month residency requirement for voting. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, it wasn't too long ago that our six months residency requirement was thrown out by the court so that in the last primary election and in the last general election people would come in and register to vote the night before the election. The fact of the matter is that it was no residency requirement. What this bill does is in effect establishes approximately a ten day residency requirement. I think that this is a very good bill and I urge its adoption.

Adopted.      Ordered to third reading.

**HB 751**

providing for the exemption and withdrawal of town and city managers from compulsory membership in the state retirement system. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, this is an act providing for the exemption and withdrawal of town and city managers from compulsory membership in the state retirement system. This bill would simply allow municipalities to exempt their city and town managers from compulsory membership in the state retirement system. This effects twenty-two managers and I urge your support.

Adopted.      Ordered to third reading.

**HB 520**

to provide for the bonding of state officials and employees; and making an appropriation therefor. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, this is an act providing for the bonding of state officials and employees.

Sen. JACOBSON: HB 520 universalizes bonding procedures for all of the seven thousand five hundred employees of the state. At the present time only 4025 employees of the state are bonded at a cost of about 3700 dollars. By placing the bonding on all, it would cost about \$6,000. The committee felt that this would be a very reasonable kind of expense.

Adopted.

Sen. Porter moved that the rules of the Senate be so far

suspended as to dispense with the referral to Finance and order HB 520 to third reading.

Adopted.      Ordered to third reading.

**HB 621**

permitting the city of Portsmouth to exceed its debt limit for purposes of satisfying a judgment rendered against the city in a suit by the public service company of New Hampshire. Ought to pass. Sen. Preston for the Committee.

Sen. PRESTON: This bill would permit the city of Portsmouth to exceed its debt limit for purposes of satisfying a judgment rendered against the city in a suit by the public service company of New Hampshire. This is in regards to tax assessments in the city of Portsmouth.

Adopted.      Ordered to third reading.

Sen. Foley is recorded in favor of the bill.

**HB 952**

permitting the town of Durham to revert to a calendar year accounting period and providing for an appropriation transitional budget. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, this is a bill permitting the town of Durham to revert to a calendar year accounting period and providing for an appropriation transitional budget. A public hearing was held by the representatives in Durham and all except one was in favor.

Adopted.      Ordered to third reading.

**HB 953**

permitting the town of Durham to issue five year bonds in lieu of collection of a portion of town taxes. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, this is a bill that would permit the town of Durham to issue five year bonds in lieu of collection of a portion of town taxes. This would also have to be approved at the next town meeting. This bill would only be used if the town approves this.

Adopted.      Ordered to third reading.

**HB 930**

to amend the Lebanon city charter, and to provide for election of Lebanon school district officers at city elections. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: This is a bill that would amend the Lebanon city charter, and to provide for election of Lebanon school district officers at city elections. This was introduced by Representative Merrill. The mayor, selectmen and school board were all in favor of this bill. We ask this bill to pass.

Sen. BRADLEY: I want to go on record as saying that if the city of Lebanon wants to amend their charter then the Senate will go along with them.

Adopted.      Ordered to third reading.

**HB 965**

requesting a rehearing before the zoning board of adjustment by the board of selectmen. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: This bill gives the right to selectmen to appeal a rehearing before the zoning board of adjustment by the board of selectmen. I believe that they already have this right but it is not spelled out.

Adopted.      Ordered to third reading.

**HB 771**

relative to the appointment of the police commission in the city of Claremont, by the city manager. Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, this is a bill relative to the appointment of the police commission in the city of Claremont, by the city manager.

Adopted.      Ordered to third reading.

**HB 438**

relative to habitual offenders of the motor vehicle laws. Ought to pass with amendment. Sen. Bradley for the Committee.

**AMENDMENT**

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Mandatory Minimum Penalty. Amend RSA 262-B:7 (supp) as inserted by 1969, 433:1 by striking out said section and inserting in place thereof the following:

262-B:7 Penalty.

I. It shall be unlawful for any person to operate any motor vehicle on the public highways of this state while the order of the court prohibiting such operation remains in effect. If any person found to be an habitual offender under the provisions of this chapter is thereafter convicted of operating a motor vehicle on the public highways of this state while the order of the court prohibiting such operation is in effect, he shall, notwithstanding the provisions of RSA Title LXII be sentenced to imprisonment in the state prison for not less than a year and a day nor more than five years. No portion of the aforesaid minimum mandatory sentence shall be suspended, and no case brought to enforce this chapter shall be continued for sentencing; provided however, that any sentence or part thereof imposed pursuant to this section may be suspended in cases in which the operation of a motor vehicle was necessitated by situations of apparent extreme emergency which required such operation to save life or limb.

II. For the purpose of enforcing this section, any case in which the accused is charged with driving a motor vehicle while his license, permit or privilege to drive is suspended or revoked, or is charged with driving without a license, the court before hearing such charge shall determine whether such person has been held an habitual offender and by reason of such holding is barred from operating a motor vehicle on the public highways of this state.

Sen. BRADLEY: This is a bill relative to habitual offenders of the motor vehicle laws. This bill has several amendments dealing with habitual motor vehicle offenders. The original law had a mandatory penalty in it, and that doesn't seem such a bad idea when you consider the continuing offender.

Amendment Adopted.      Ordered to third reading.

**HB 767**

providing for the merger of unincorporated religious societies. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: This is a simple bill that gives the power for the merger of unincorporated religious societies. In order to



merge they have come to the legislature to ask for a special bill.

Adopted.      Ordered to third reading.

**HB 981**

amending, in general, sections of the chapter on probation in the RSA. Ought to pass. Sen. Bradley for the Committee.

Sen. Bradley moved that HB 981 be laid on the table.

Adopted.

**HB 630**

relative to the use of radar and other electronic method of speed detection on interstate and state highways. Inexpedient to legislate. Sen. S. Smith for the Committee.

Sen. BRADLEY: This bill would require the Public Works and Highway Department to erect signs within six hundred feet of all speed limits on state highways to advise motorists on the speed. It was felt in committee that this would create a problem with the law enforcement people and this would be unnecessary legislation.

Adopted.

**HB 849**

relative to identification for all service-type employees. Inexpedient to legislate. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, HB 849 is well intended and conceivably could be a good thing. However, in practicality it is unworkable. As you know in many of our cities and towns people are very close and it's a personal contact when there is a service agreement and therefore identification is superfluous and totally unnecessary. So with this in mind we feel that this bill should be inexpedient.

Adopted.

**HB 933**

relative to the possession of pistols and revolvers by convicted felons and eliminating the prohibition against aliens possessing the same. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: This bill simply omits from the permit law on pistols and revolvers the section prohibiting aliens from

getting these permits being that it is basically unconstitutional. It is an act that is relative to the possession of pistols and revolvers by convicted felons and eliminating the prohibition against aliens possessing the same.

Adopted.      Ordered to third reading.

**HB 932**

establishing civil actions and investigations for violation of the state antitrust law. Ought to pass with amendment. Sen. Bradley for the Committee.

**AMENDMENT**

Amend section 2 of the bill by inserting after RSA 356:13 the following new section:

356:14 Interpretation of Statute. In any action or prosecution under this chapter, the courts may be guided by interpretations of the United States' anti-trust laws.

Sen. BRADLEY: This bill would amend the general anti-trust law which New Hampshire has on the books but which has never been enforced. This would provide that civil actions and investigations for violation of the state anti-trust law may be brought to enforce this anti-trust law.

Amendment Adopted.      Ordered to third reading.

**HB 653**

providing for trial of certain misdemeanors by six member juries. Ought to pass. Sen. Bossie for the Committee.

Sen. BOSSIE: This provides that in cases of misdemeanors a six man jury shall be impaneled. At the present time with misdemeanors they are entitled to a twelve man jury. It was felt that this would be a very progressive method that would save the county a very great expense, but we also felt that this would expedite justice.

Adopted.      Ordered to third reading.

**HB 694**

relative to institutional guardianships. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill could be classified for the most part as bookkeeping. One part simply provides

that the director of welfare is appointed guardian; is done so in his capacity as director and not as an individual. The second part moves the provision allowing Homes for Orphans to be appointed guardians. And the third part is simply to recognize that the Family Service in Concord has been merged to form the Child and Family Services of New Hampshire.

Adopted.      Ordered to third reading.

#### **HB 474**

increasing the mileage allowance for sheriffs and deputies in Rockingham county. Inexpedient to legislate. Sen. Bossie for the Committee.

Sen. BOSSIE: This bill would have permitted the sheriff of Rockingham County 15¢ per mile for mileage. It was felt by the committee that there was no justification whatsoever to have Rockingham County charged more than the other counties. We do not feel that this increase was necessary.

Sen. PRESTON: Officials in Rockingham County told me that they had evidence that it costs more than 10¢ a mile to operate a motor vehicle. I just wondered if any consideration was given to amending this bill?

Sen. BOSSIE: It certainly was not and I dispute that. The state of New Hampshire pays 8¢ per mile to state employees. It is felt that ten cents a mile is sufficient.

Adopted.

Sen. Bossie moved that the rules of the Senate be so far suspended as to allow the introduction of a committee report not previously advertised in the Journal.

Adopted.

#### **HB 711**

relative to the location of the proposed Cheshire County Courthouse. Inexpedient to legislate. Sen. Bossie for the Committee.

Sen. BOSSIE: Mr. President, HB 711 would permit the Cheshire County delegation to sign bond issues for the Cheshire County Court House. It was felt by the committee that this bill should be inexpedient to legislate because of the fact that it would take away the home rule.

Sen. BLAISDELL: Mr. President, we go along with the vote of the committee.

Adopted.

**HB 652**

to appeal and encourage the use of voluntary arbitration of disputes in superior court. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this is a very significant bill which would authorize private parties to agree to have their cases submitted to arbitration which would then become an easier method of resolving disputes.

Adopted.      Ordered to third reading.

**HB 33**

requiring meat slaughterhouses and processing plants to pay the cost of inspections conducted outside of regular business hours. Ought to pass with amendment. Sen. Preston for the Committee.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

**AN ACT**

requiring poultry and meat slaughterhouses and processing plants to pay the cost of inspections conducted outside of regular business hours, and providing for overtime pay for employees of the department of agriculture.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Fixing Cost Responsibility in Meat Plants. Amend RSA 428-A by inserting after section 31 the following new section:

428-A:32 Costs of Inspection; Limitation. The cost of inspection rendered under the requirements of this chapter shall be borne by the state, except that the cost of overtime and holiday work performed in establishments subject to the provisions of this chapter shall be at such rates as the commissioner of agriculture may determine, and shall be borne by such establishments. Such costs shall be collected by the commissioner and shall be paid into a special account and all employees of the

department who are required to make inspections at any time other than regular working hours shall be paid from said account at the rate of time and one-half. Costs collected by the commissioner for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

2 Fixing Cost Responsibility in Poultry Plants. Amend RSA 428-B:8 (supp), as inserted by 1969, 362:1, by striking out said section and inserting in place thereof the following:

428-B:8 Costs of Inspection; Limitation. The cost of inspection rendered under the requirements of this chapter shall be borne by the state, except that the cost of overtime and holiday work performed in establishments subject to the provisions of this chapter shall be at such rates as the commissioner of agriculture may determine, and shall be borne by such establishments. Such costs shall be collected by the commissioner and shall be paid into a special account, and all employees of the department who are required to make inspections at any time other than regular working hours shall be paid from said account at the rate of time and one-half. Costs collected by the commissioner for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. PRESTON: This bill would provide for meat slaughterhouses and processing plants to pay the cost of inspections conducted outside of regular business hours. This would help keep the inspections to a five-day week.

Amendment Adopted.

Sen. Preston moved that the rules of the senate be so far suspended as to dispense with referral to Finance and order HB 33 to third reading.

Adopted.      Ordered to third reading.

HB 266

relative to salary increases upon certification and eligibility for certification of certain medical personnel. Ought to pass. Sen. McLaughlin for the Committee.



Sen. MCLAUGHLIN: Mr. President, this is relative to salary increases upon certification and eligibility for certification of certain medical personnel. The Governor and Council were in favor of this. There was no opposition to this bill.

Adopted. Referred to Finance.

#### **HB 148**

relative to furnishing generic as well as brand names of prescription drugs. Refer to interim study committee. Sen. McLaughlin for the Committee.

Sen. McLaughlin moved that HB 148 be recommitted to Committee.

Adopted.

### **RECESS**

### **OUT OF RECESS**

Sens. Porter, Foley, R. Smith, Bossie moved that the Senate Chambers, Antiroom, and Sgt at arms room be available only to Senators, House Members and the press during the remainder of the session.

Adopted.

#### **HB 123**

providing for the acquisition of the Kelley Falls dam and water rights by the water resources board and making an appropriation therefor. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: This is the acquisition of the Kelley Falls Dam in Manchester by the Water Resources Board. The appropriation would be \$25,000. The dam is in good shape and with this we get 22 acres of land and access to the water. Everyone was in favor.

Sen. BOSSIE: I would like to be recorded as being in favor of this bill.

Adopted. Ordered to third reading.

#### **HB 504**

creating an open space land study commission and making an appropriation therefor. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: Mr. President, this provides for the creation of an open space land study commission and this is for land preservation.

Adopted.      Ordered to third reading.

**HB 283**

providing for the acquisition of a certain dam and water rights on Newfound Lake in the town of Bristol by the water resources board and making an appropriation therefor. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: Mr. President, this is an act providing for the acquisition of a certain dam and water rights on Newfound Lake in the town of Bristol by the Water Resources Board and this is Class A water. The property will be turned over to the New Hampshire Water Resources Board and they will be responsible for the necessary repairs.

Adopted.      Ordered to third reading.

**HB 765**

providing full pay to state employees, not to exceed one year, during a total disability resulting from a work-connected accidental injury. Ought to pass. Sen. R. Smith for the Committee.

Sen. R. SMITH: Mr. President, this bill provides that permanent classified state employees who are totally disabled from a work connected injury will receive full benefits not to exceed one year. After this period the individual is then entitled to Workmen's Compensation Benefits provided in the RSA's 281.

Sen. TROWBRIDGE: We did pass another bill related to conservation officers earlier on the same level of thinking. What this bill does is go along and say any state employee who becomes disabled because of his work.

Adopted.      Ordered to third reading.

**HB 1018**

abolishing certain classified and unclassified positions at the New Hampshire Hospital, eliminating free maintenance for all authorized positions at the New Hampshire hospital and establishing new classified positions and salary ranges. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: There was the reevaluation on the status of New Hampshire Hospital by Major Wheelock which got filed under other names. What this does is reorganize the psychiatric staff and the supervisory staff at the hospital to form a regional treatment center within the hospital. And it allows the superintendent to take advantage of the classified positions and reschedule them so that they can have more than one person covering at a time. This bill saves about \$125,000 a year. This would also take away maintenance. This takes away the free housing and ups the salary.

Adopted.      Ordered to third reading.

**HB 1009**

authorizing the use of Reed Act funds. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: Mr. President, this act authorizes the use of Reed Act funds.

Adopted.      Ordered to third reading.

**HB 430**

relative to increasing the percent of the road toll revenue for highway subsidy to towns and cities. Inexpedient to legislate. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: This is a bill relative to increasing the percent of the road toll revenue for highway subsidy to towns and cities. This year people have come in and asked for a percentage raise from 19 to 22 percent, which is a two million dollar increase and it would have to come out of the highway fund from other sources. I think that we should be able to make a gross factor that would not need increase per session. I consider this House bill inexpedient to legislate.

Sen. POULSEN: I would like to rise in support of Senator Trowbridge's inexpedient report.

Sen. LAMONTAGNE: I want to rise in support of the motion as offered by Sen. Trowbridge.

Adopted.

**HB 850**

relative to increasing the fees for beer permits and liquor licenses. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President, this is relative to increasing the fees for beer permits and liquor licenses by 25%. This is the first increase that there has been in forty years.

Sen. BOSSIE: Would you express this in dollars and cents?

Sen. MCLAUGHLIN: I don't have the exact figures.

Adopted.

Sen. Provost moved an amendment.

Sen. PROVOST: Mr. President, this amendment does two things. First it sets minimum pricing for the sale of beverage and the sale of wholesale and retail licenses. The second thing it does is it permits multiple licenses.

Sen. SPANOS: Mr. President, I rise in opposition to the amendment. The amendment to HB 850 is SB 148 that was already killed and laid on the table. I don't see the germaneness of the amendment to the bill.

Sen. GREEN: I'd like to rise in opposition to the amendment. I am a member of the Ways and Means Committee that referred SB 148 and that bill caused a great deal of controversy at the hearing. There is no question that the small store owners in my area are opposed to this. I don't believe that the Liquor Commission should get into price fixing. I don't think we should consider getting involved in this.

Sen. POULSEN: I rise in total opposition to the amendment.

Sen. GARDNER: As Sen. Green stated previously, I am opposed to this amendment.

Sen. JACOBSON: I rise in opposition to the amendment. These small stores live on the economic margin of life and this small advantage for the larger stores would be unfortunate for some of the smaller ones.

Sen. BOSSIE: I rise in opposition to the amendment.

Amendment lost.

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to dispense with referral to Finance and the bill be ordered to third reading.

Sen. TROWBRIDGE: I would like to simply explain that

we have calculated in the budget what the amount of money would be so there isn't anything else that we can do.

Adopted. Ordered to third reading.

### HB 148

relative to furnishing generic as well as brand names of prescription drugs. Refer to interim study committee. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: In reference to HB 148, a hearing was held on this for three hours last Friday. The bill was only received three days ago. This bill provides for the furnishing of generic as well as brand names of prescription drugs. The committee has felt in looking this over that in this bill many complications have been spotted and at the testimony they were voiced. We feel that this should go to the interim study committee as we cannot do justice in this short amount of time for this bill.

Sen. Foley moved that HB 148 be made a Special Order of Business for Thursday, June 21, at 1:02 p.m.

Sen. FOLEY: Mr. President, I didn't realize that this was coming in today and I have received a petition from my people asking that this bill pass so before I would vote to send it to an interim study committee, I would like to see what has happen on both sides.

Sen. CLAVEAU: I support the motion to make this a special order.

Sen. LAMONTAGNE: I rise in support of the motion as made by Sen. Foley.

Adopted.

### SPECIAL ORDER 1:01

### HB 649

authorizing test on the bodies of certain motor vehicle accident fatalities to determine the content of alcohol in their blood. Inexpedient to legislate. Sen. Bossie for the Committee.

Sen. Bossie moved that HB 649 be laid on the table.

Adopted.



## SPECIAL ORDER 1:02

**HB 984**

relative to landlord-tenant relations. Ought to pass. Sen. Jacobson for the Committee.

Sen. Jacobson moved that HB 984 be laid on the table.

Adopted.

## SPECIAL ORDER 1:03

**HB 775**

relative to retail sales agreements. Ought to pass. Sen. Bradley for the Committee.

Sen. Bradley moved that HB 775 be laid on the table.

Adopted.

## SPECIAL ORDER 1:04

**HB 889**

providing means for settlement of disputes between public school teachers and school districts or supervisory unions and for other purposes. Ought to pass with amendment. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this is a bill to provide means for settlement of disputes between public school teachers and school districts or supervisory unions and for other purposes. As one will recall HB 889 was referred to the committee on Education. The committee in its wisdom amended the bill by striking out all including the enacting clause and substituting into what was previously SB 196. SB 196 passed the Senate and is presently in the House. The committee felt that HB 889 was not a piece of legislation that we wanted to deal with. By substituting 196 our hope is that the bill will reach all the requirements so that any problems may be resolved.

Sen. BRADLEY: By taking the action of your proposal the assumption is that it will now go to conference committee?

Sen. S. SMITH: That is a correct assumption.

Sen. BRADLEY: I assume in doing that, do you feel that we are in anyway instructing the conference committee that the Senate thought that HB 889 had nothing worthy to be put into a committee of conference report?

Sen. S. SMITH: I think that the feeling here is that if there is merit in 889 it would be discovered by the committee of conference. In addition I feel certain that the House and Senate will express the various views in question.

Sen. GARDNER: If I vote for this amendment do I then vote to kill 889. Is that correct?

Sen. S. SMITH: You vote to substitute 196 for 889.

Sen. JOHNSON: I rise in favor of the amendment as offered by Senator S. Smith.

Sen. PRESTON: I rise in favor of SB 196.

Sen. Bradley moved that HB 889 be laid on the table.

Sen. Bradley moved that the rules of the senate be so far suspended as to allow debate on the motion.

Sen. BRADLEY: The reason for this motion is that people presently working representing both school boards and teachers have proposed compromises and acceptable amendments for both sides.

Sen. GREEN: I think SB 196 has a very strong concept which I was supporting and I am continuing to support.

Sen. S. SMITH: I rise in support of the pending motion. Due to the fact that I think that is perhaps one of the more important pieces of legislation that we've worked on this session.

Sen. JACOBSON: Mr. President, I rise in support of the motion I think one of the problems is the problems of possible incongruity between a negotiating bill that takes into account everyone, because the teachers are usually on a special kind of relationship. First of all, all teachers in the state are on a fiscal year rather than a calendar year. And secondly very few are on an annual salary basis.

Rules suspended.      Motion adopted.

Adopted.

Sen. Sanborn moved that the rules of the Senate be so far suspended as to allow for the introduction of several committee reports without the necessary notice in the Journal said reports being on House Bills 472, 730, 32, 248, 336 and 376.

Adopted.

**HB 472**

authorizing the department of education to contract with school volunteer programs for continued services, and making an appropriation therefor. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this bill authorizes the sum of \$35,000 to be appropriated for the supervision of the voluntary program for continuing voluntary service within the schools. It is hoped that the Senate will go along with this bill.

Sen. GREEN: I rise in favor of this bill.

Adopted. Ordered to third reading.

Sen. Green wished to be recorded as voting in favor of HB 472.

**HB 730**

providing for regional vocational education programs and making an appropriation therefor. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, this bill authorizes 3½ million dollars for the construction of vocational schools at the high school level and this is the beginning of a long range program to have regional vocational schools throughout our state. I hope that the Senate will go along with this.

Adopted. Ordered to third reading.

**HB 32**

relative to the inspection of bridges and making an appropriation therefor. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: This bill allows the Highway Department to procure a couple of bridge inspectors and it requires that all bridges on class 1, 2, and 3 highways be inspected by the Highway Department bi-annually. It also says that any bridge on a class 4 or 5 highway may be inspected at the request of the town free of charge by the state. We recommend its passage.

Adopted. Ordered to third reading.

**HB 248**

relative to the construction or reconstruction of a bridge

in the town of Jefferson. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: This bill would provide funds for the reconstruction of a bridge that would allow US 2 to be opened again.

Adopted.      Ordered to third reading.

**HB 336**

providing for the calling of a constitutional convention. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, as we all know the Senate voted to have a constitutional convention and if there is going to be one we are going to have to pay for it. Right now they estimate that the cost will be \$180,000 and this bill provides the money for that.

Adopted.      Ordered to third reading.

**HB 376**

providing for a commission to study the state constitution in preparation for the 1974 constitutional convention. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, the last time that there was a constitutional convention there was a committee such as this established and they found that they saved the convention a great deal of time by having work prepared for them.

This bill sets up a nine member commission, duly appointed by the speaker of the House, with three appointed by the Governor and 3 by the Supreme Court. They estimate that the cost of this will be in the amount of \$10,000. We recommend the passage of this bill.

Adopted.      Ordered to third reading.

Sen. Lamontagne moved that SB 169 be taken from the table.

Adopted.

**SB 169**

relative to transfers to the New Hampshire state hospital for observation. Received from House with amendment.

(See House Journal)

Sen. Lamontagne moved that the Senate concur with the amendment.

Amendment Adopted.

Sen. Porter moved that the rules of the Senate be so far suspended as to allow for the introduction of committee reports without being previously advertised in the Journal on HJR 44, HB 817, HB 966 and HB 1021.

Sen. PORTER: Mr. President all four of these bills were found to be given an ought to pass recommendation.

Adopted.

#### **HJR 44**

establishing a committee to study and report on the current program and future needs of the water supply and pollution control commission. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, this bill establishes a nine member committee to review and investigate, study and report on the current program of the future needs of the Water Supply and Pollution Control Commission. There will be two Senators and five Representatives and two members of the general public on this committee.

Adopted.      Ordered to third reading.

#### **HB 817**

relative to reporting to the municipal conservation commissions of dredge and fill matters. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, HB 817 is a combination of three House bills. The House Resources Committee reviewed these three bills and combined them into a bill which we see here as HB 817. It provides for the dissemination of information relative to dredge and fill matters.

Adopted.      Ordered to third reading.

#### **HB 966**

relative to remedies and penalties for violations of laws relating to tidal waves. Ought to pass. Sen. Porter for the Committee.



Sen. PORTER: Mr. President, HB 966 has not been amended in the House or Senate. The bill was introduced on behalf of the Attorney General's office. The Senate recently passed a bill, SB 196 that Sen. Brown addressed the committee report which was relative to civil penalties. This bill provides for a violation of tidal waters and the committee urges its adoption.

Adopted.      Ordered to third reading.

### RECONSIDERATION

Sen. Lamontagne served notice of Reconsideration on HB 711.

#### HB 1021

relative to establishing a noise abatement program. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, this bill provides the authority for Health and Welfare to establish a noise abatement program within the Division of Public Health Services. Commissioner Zeiller appeared in support of this bill.

Adopted.      Ordered to third reading.

Sen. Bradley moved that the rules of the senate be so far suspended as to allow for the introduction of a committee report waiving public hearing and notice in the Journal.

Adopted.

#### HB 539

establishing civil procedures relating to the admission and treatment of the mentally ill and making an appropriation therefor. Ought to pass with amendment. Sen. Bradley for the Committee.

### AMENDMENT

Amend Section 8 of the bill by striking out in line 6 the words "not from New Hampshire Legal Assistance" so that said section as amended shall read as follows:

8 Appropriation. The sum of one hundred thousand dollars is appropriated for the fiscal year ending June 30, 1974 and shall not lapse until June 30, 1975 to the department of health and

welfare, division of mental health to provide for the probate court hearings as provided in RSA 135-B, as inserted by section 1 of this act, and as provided in section 7 of this act. The per diem compensation of probate court judges and attorneys who represent indigent patients or indigent persons sought to be admitted, the costs to the state and to indigent persons of transcripts or recordings of hearings, the costs of witness fees for indigent patients or indigent persons sought to be admitted, the costs of an examination of indigent persons by a psychiatrist prior to a hearing for involuntary admission, plus other expenses incidental to such hearings, shall be a charge upon the funds hereby appropriated. The attorney general is authorized to employ one or more consultants to represent the state in accordance with the provisions of this act which shall be a charge upon the funds herein appropriated to the division of mental health. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Sen. BRADLEY: There are two amendments to this bill. This amendment removes the prohibition of having New Hampshire legal assistance personnel for representing indigent persons who were being committed.

Amendment adopted.

Sen. Bradley moved the following amendment.

#### AMENDMENT

Amend RSA 135-B as inserted by section 1 of the bill by inserting after section 48 the following new section:

135-B:49 Defense of Certain Malpractice and Negligence Suits. The attorney general shall defend any civil action or proceeding brought in any court for damages for personal injury, including death, resulting from negligent acts or omissions, in the course of performing psychiatric, medical, surgical, dental or related functions, including the conduct of clinical studies or investigations, by any officer or employee of the division of mental health, department of health and welfare, while acting within the scope of his office or employment. Any awards, judgments or settlements rendered against an officer or employee of the division of mental health, department of health and welfare, as a result of such civil action or proceeding shall be

deemed to have been rendered against the state of New Hampshire and shall be paid out of general fund monies not otherwise appropriated.

Sen. BRADLEY: This amendment is to pick up a bit of an oversight on two different bills. It protects the officials and doctors from the State Hospital from malpractice of medicinal suits. This is a type of provision which is fairly common in other states.

Amendment adopted. Referred to Finance.

Sen. Bradley moved that HB 981 be taken from the table.

#### HB 981

amending, in general, sections of the chapter on probation in the RSA. Ought to pass. Sen. Bradley for the Committee.

Sen. Bradley moved that HB 981 be referred to a joint interim study committee composed of Public Health and Judiciary.

Adopted.

Sen. McLaughlin moved that HB 964 be vacated from Public Health and referred to the committee on Executive Departments, Municipal and County Governments.

Adopted.

Sen. Blaisdell moved reconsideration of HB 711.

Sen. LAMONTAGNE: I have been asked by Representative Raymond of Cheshire County to make such a notice.

Motion lost.

#### HOUSE NON-CONCURRENCE

SB 218, relative to non-resident auctioneer licenses.

SB 253, increasing the membership on the Ambulance Service Coordinating Board.

SB 94, relative to the landlord and tenant relationship.

SCR 8, providing for the establishment of a joint legislative committee on improvement of law enforcement and criminal justice.

SB 231, specifying procedures for termination of residential gas or electric services.

Sen. Bossie moved Reconsideration on HB 474.

Motion lost.

Sen. BOSSIE: I move that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the readings of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

### LATE SESSION

### ANNOUNCEMENT

The CHAIR: The chair announces that Sen. Porter has been appointed to the Governor's Energy Commission.

Third reading and final passage

HB 883, relative to the powers of county commissioners.

HB 854, relative to the duty of county treasurers.

HB 629, relative to the fees for birth registration cards, vital statistics records and certificates of marriage.

HB 909, authorizing a special town meeting of the town of Pittsfield with the authority of an annual town meeting.

HB 934, relative to the composition of the ballot law commission.

HB 875, relative to the salaries of the Somersworth city council.

HB 940, redistricting the city of Somersworth.

HB 1051, amending the charter of the city of Somersworth relative to abolishing the police commission, the appointment of the police chief and the composition of the school board.

HB 532, providing a definition for terms of appointment and designating certain exceptions.

HB 14, abolishing the six month residency requirement for voting.

HB 751, providing for the exemption and withdrawal of town and city managers from compulsory membership in the state retirement system.

HB 520, to provide for the bonding of state officials and employees; and making an appropriation therefor.

HB 621, permitting the city of Portsmouth to exceed its debt limit for purposes of satisfying a judgment rendered against the city in a suit by the public service company of New Hampshire.

HB 952, permitting the town of Durham to revert to a calendar year accounting period and providing for an appropriation transitional budget.

HB 953, permitting the town of Durham to issue five year bonds in lieu of collection of a portion of town taxes.

HB 930, to amend the Lebanon city charter, and to provide for election of Lebanon school district officers at city elections.

HB 965, requesting a rehearing before the zoning board of adjustment by the board of selectmen.

HB 771, relative to the appointment of the police commission in the city of Claremont, by the city manager.

HB 438, relative to habitual offenders of the motor vehicle laws.

HB 767, providing for the merger of unincorporated religious societies.

HB 933, relative to the possession of pistols and revolvers by convicted felons and eliminating the prohibition against aliens possessing the same.

HB 932, establishing civil actions and investigations for violation of the state antitrust law.

HB 653, providing for trial of certain misdemeanors by six member juries.

HB 694, relative to institutional guardianships.

HB 652, to appeal and encourage the use of voluntary arbitration of disputes in superior court.

HB 33, requiring meat slaughterhouses and processing



plants to pay the cost of inspections conducted outside of regular business hours, and providing for overtime pay for employees of the department of agriculture.

HB 123, providing for the acquisition of the Kelley Falls dam and water rights by the water resources board and making an appropriation therefor.

HB 504, creating an open space land study commission and making an appropriation therefor.

HB 283, providing for the acquisition of a certain dam and water rights on Newfound Lake in the town of Bristol by the water resources board and making an appropriation therefor.

HB 765, providing full pay to state employees, not to exceed one year, during a total disability resulting from a work-connected accidental injury.

HB 1018, abolishing certain classified and unclassified positions at the New Hampshire Hospital, eliminating free maintenance for all authorized positions at the New Hampshire hospital and establishing new unclassified positions and salary ranges.

HB 1009, authorizing the use of Reed Act funds.

HB 850, relative to increasing the fees for beer permits and liquor licenses.

HB 472, authorizing the department of education to contract with school volunteer programs for continued services, and making an appropriation therefor.

HB 730, providing for regional vocational education programs and making an appropriation therefor.

HB 32, relative to the inspection of bridges and making an appropriation therefor.

HB 248, relative to the construction or reconstruction of a bridge in the town of Jefferson.

HB 336, providing for the calling of a constitutional convention.

HB 376, providing for a commission to study the state constitution in preparation for the 1974 constitutional convention.

HJR 44, establishing a committee to study and report on the current program and future needs of the water supply and pollution control commission.

HB 817, relative to reporting to the municipal conservation commissions of dredge and fill matters.

HB 966, relative to remedies and penalties for violations of laws relating to tidal waves.

HB 1021, relative to establishing a noise abatement program.

Adopted.

Sen. Lamontagne and Sen. Blaisdell moved the Senate adjourn at 4:15 p.m.

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## *Tuesday, 19Jun73*

The Senate met at 11:00 a.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Dear Lord — In this age of experts it becomes difficult for us to listen to what our own minds and hearts command us to do.

We are prone to underestimate our own abilities because we so often are intimidated by the more, so called, expertise of our friends! Help us to discover our own personal gold mine of good instincts and set us once more on the path of "loving thy neighbor" — but not posing as an "expert ourselves."

Teach us to weigh carefully all the advice of our colleagues and then compare it with our own! Thus moving into "Thy Way" — Oh Lord. The best way for all. Amen.

Pledge of Allegiance was led by Louie Gerard Nixon III.

## ENROLLED BILLS REPORT

HJR 48, establishing a study commission on the problems of unemployed citizens in New Hampshire.

HJR 49, to create an interim study committee to study the need, form and content of uniform probate code and to draft legislation, if need be.

SB 71, relative to eminent domain procedures.

SB 74, authorizing the position of special assistant county attorney to assist the county attorney, to speed up the disposition of criminal cases.

SB 239, relative to regulating Sunday activities in towns of over ten thousand.

SB 96, to provide for the citizens' right to sue to protect against damage to the environment.

SB 115, naming a certain body of water in the town of Wakefield, Belleau Lake.

SB 123, allowing certain insurance transactions through credit card facilities.

SB 132, to exempt nonprofit health care facilities from provisions of the fair trade law.

SB 158, relative to the time of taking office of the school board of the Mascoma Valley school district.

SB 213, relative to the form and contents of writs.

SB 215, increasing the limit of the concurrent jurisdiction of district courts in civil matters.

SB 223, relative to the exemption for real property taxes for the blind.

SB 252, providing for a reduction in the costs of administration of the Manchester district court.

SB 260, relative to the terms of office of members of the commission on the status of women.

HB 384, to reclassify the Blackwater River.

HB 567, relative to the interest rate charged on delinquent taxes in the city of Portsmouth.

HB 612, imposing an inspection fee on fertilizer and providing a category for special mixed fertilizer.

HB 642, changing the name of the Belknap County recrea-

tional area and commission; increasing the compensation of the members of the commission and increasing the amount of earnings which may be retained by the commission.

HB 377, relative to the authority of justices of the peace to sit as special justices in a district court.

HB 409, changing the basis for retirement benefits for group I members from the highest five to the highest three years compensation.

HB 451, providing additional retirement allowances for certain retired teachers and making an appropriation therefor.

HB 495, relative to payment by the state of the cost of educating children living in foster homes and making an appropriation therefor.

HB 580, relative to jury trials of minor offenses.

HB 601, relative to scholarships for orphans of veterans of the Southeast Asian conflict.

HB 681, transferring members from the predecessor systems to the New Hampshire retirement system.

HB 673, relative to adoption procedures.

HB 861, relating to limited partnerships.

HB 892, to clarify the status of accountants under the statutes.

HB 920, relative to the taxation of railroads.

HB 947, amending the definition of "charitable organizations" for conducting raffles.

HB 993, relative to temporary, seasonal and part-time state employees.

HJR 12, appropriating funds to the towns of Pittsburg and Clarksville in lieu of taxes on Murphy Dam on Lake Francis.

HJR 45, extending the special committee to study the effectiveness of the laws relating to access to and use of public buildings by the physically handicapped.

HB 300, increasing the mileage rate for all state employees

using privately-owned passenger vehicles, and making an appropriation therefor.

HB 455, establishing a committee to study and report on the goals, purposes, organization and financing of the state university system, and making an appropriation therefor.

HB 702, relative to the terms of jurors.

SB 28, relative to a bill of rights for mobile home park tenants.

Sen. Provost  
*For The Committee*

### COMMITTEE REPORTS

#### **HB 617**

pertaining to non-resident students at the University of New Hampshire. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, HB 617 pertains to non-resident students at the University of New Hampshire. It writes into law the right of the trustees to establish criteria for insuring resident student status. It also sets up an appeal process. It also states that the trustees will have the power to establish a differential in the tuition rate for in-state and out-of-state students.

Adopted. Ordered to third reading.

#### **HB 395**

relative to consumer credit. Ought to pass with amendment. Sen. Bossie for the Committee.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Report to Consumer. Amend RSA 359-B:9 (supp) as inserted by 1971, 430:1 by inserting after paragraph II the following new paragraph:

III. Whenever an investigative consumer report is requested by any person, the consumer reporting agency shall furnish to the consumer investigated upon his request, and upon payment by the consumer investigated of a reasonable copy fee, the following:



(a) A copy of the investigative consumer report it has prepared;

(b) The information specified in paragraph I;

(c) The names of all the sources of information in its files on the consumer which were actually used in the preparation of the investigative consumer report; and

(d) The names of all persons to whom the investigative consumer report was sent.

2 Disclosure to Consumer. Amend RSA 359-B:4 (supp) as inserted by 1971, 430:1 by inserting after paragraph I the following new paragraph:

II. Notwithstanding the provisions of paragraph I, a consumer reporting agency may furnish an investigative consumer report to the consumer as provided in RSA 359-B:9, III.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. BOSSIE: Mr. President, the testimony before the committee was such that we think that this is a good bill and ought to pass. This bill is relative to consumer credit reports. This goes into quite a bit of background in inquiring of the individual concerned.

Sen. Lamontagne moved that HB 395 be indefinitely postponed.

Sen. LAMONTAGNE: Mr. President, I was at the hearing and I listened to both sides. As far as I'm concerned I feel that HB 395 should be indefinitely postponed. I feel that the individual should have a copy of his record before it is given out.

Sen. BOSSIE: During the committee hearing was it your understanding of the consumer investigating reports were such that they go around the neighborhood and they ask your neighbors if you have a drinking problem etc. Do you feel that they have a right to say this about you without you having a right to know what's been said?

Sen. LAMONTAGNE: As far as I'm concerned if you have a good credit rating you have no problems and you don't have to worry. A person's credit doesn't have to depend upon the neighbors. Now I'm sure there are some neighbors who do not

like you but when asked for credit references through the credit bureau, that there is more information than that.

Sen. PRESTON: I know of a case where a woman applying for life insurance was quoted as being an "immoral" woman and this hearsay was enough that she was denied insurance.

Sen. LAMONTAGNE: I feel that in the federal law that there is a protection for that individual and I don't see it necessary for that to be a state law. If the individual did have that happen to him then I feel that that's a violation of the federal law. I could therefore see no reason why that individual could not go ahead and do something about it.

Sen. PRESTON: Are we discussing the credit bureau or are we talking about the consumer report to which Sen. Bossie refers?

Sen. LAMONTAGNE: We are talking about the consumer report.

Sen. JOHNSON: Sen. Bossie, does this amendment break the regular credit reporting?

Sen. BOSSIE: No, it would not.

Sen. LAMONTAGNE: Senator, during our Judiciary committee hearing was there any opposition to HB 395?

Sen. BOSSIE: Yes there was. All of the consumer investigative bureau.

Sen. FERDINANDO: Wasn't there a difference in the House passed version and the Senate's?

Sen. BOSSIE: The House passed this so that it read that the individual had a right to receive the consumer report done on him. We disapprove of investigative reports.

Sen. BRADLEY: I'd like to rise against the motion and in favor of the report.

Motion lost.

Amendment Adopted. Ordered to third reading.

#### HB 975

relative to the use of recording devices in superior and district courts. Ought to pass with amendment. Sen. Bradley for the Committee.

## AMENDMENT

Amend the bill by striking out sections 1 and 2 and insert in place thereof the following:

1 Use of Recording Devices in Superior Court. Amend RSA 491 by inserting after section 10 the following new section:

491:10-a Use of Recording Devices. Upon petition by either party before or during any hearing or trial, the court may in its discretion allow said party to record the proceedings by any recording device. Said recordings shall be made at the expense of the petitioner and no fee shall be levied by the court against either party for this recording.

2 Use of Recording Devices in District Court. Amend RSA 502-A by inserting after section 27-b the following new section:

502-A:27-c Use of Recording Devices. Upon petition by either party before or during any hearing or trial, the court may in its discretion allow said party to record the proceedings by any recording device. Said recordings shall be made at the expense of the petitioner and no fee shall be levied by the court against either party for this recording.

Sen. BRADLEY: This bill in its original form required the superior court to allow persons to record the proceedings with their own recording devices, whether or not they are being recorded by any other convenience. The amendment is to replace the word "shall" with the word "may". The reason for the discretion is that judge in all cases may not be able to control what is going on.

Amendment Adopted.      Ordered to third reading.

**HB 887**

relating to salaries of district court justices, and to fees in civil cases in district courts. Ought to pass with amendment. Sen. Bradley for the Committee.

## AMENDMENT

Amend RSA 502-A:6, I as inserted by section 2 of the bill by striking out in line fourteen the word "twenty-three" and inserting in place thereof the following (twenty-four) so that said paragraph as amended shall read as follows:

I. SALARIES OF JUSTICES. The cities and towns in which the district courts are regularly located shall annually appropriate and pay the justices of the district courts salaries computed in the following manner; for the first fifteen hundred cases, four hundred dollars for each one hundred cases or fraction thereof; for the next one thousand cases, three hundred dollars for each one hundred cases or fraction thereof; and for all cases over twenty-five hundred, one hundred and fifty dollars for each one hundred cases or fraction thereof provided that the sum of five hundred dollars shall be added to the salary of each justice of a district court which has exclusive civil jurisdiction in cases where the damages do not exceed five hundred dollars. No justice shall be paid a salary less than a sum equal to one hundred and eighty dollars for each thousand persons residing in the district, as reported in the last federal census and no justice shall receive a salary greater than twenty-four thousand dollars a year. The total cases reported annually from each district court to the judicial council shall be used in the computation of the salary of each justice as provided herein. The administrative committee of the district and municipal courts shall compute the salaries as provided in this section and shall annually, in November, notify the local governing body of each city or town in which each district court is regularly located the amount to be paid the justice, special justice and clerk for the next calendar year.

Further amend the bill by striking out section 3 and re-numbering section 4 to read 3.

Sen. BRADLEY: This bill as amended by the House does three different things with respect to the district court. It makes the amount that a district court judge can make from \$15,000 to \$20,000. Secondly it raises the maximum salary to \$21,000. The third thing it has to do is to increase the entry fees. The amendment does two things. It changes the maximum salary from \$23,000 to \$24,000. This would only apply in about two cases. And the other part of the amendment is to remove the increase from what it was.

Amendment Adopted.      Ordered to third reading.

### HB 639

relative to permitting the Lord's prayer and the pledge of allegiance in public schools at local option. Send to Supreme Court for advisory opinion. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, the Senate Judiciary had a hearing on this bill on the 5th of June and the delivery on it at length. Some six or eight people spoke on behalf of the bill. The bill as amended by the House provides for the Lord's Prayer and Pledge of Allegiance in public schools after the approval of the school board or majority vote of the school district. The Governor's office indicated that the bill needed an amendment and the bill should be amended the same as the majority amendment presented in the House which was defeated. It was the feeling of Mr. Douglas that the bill as it now stands from the House would be unconstitutional. Therefore, even though the committee felt in sympathy with the bill we felt that we could send it on to the supreme court and ask for their decision as to whether it would be a constitutional issue as it now stands. If their answer were yes, would the proposed amendment as offered by the Governor's office stand the test of constitutionality?

Sen. LAMONTAGNE: I rise in opposition to the pending motion. I feel that if the committee does this then this will be the end as far as prayer. I think that this should be sent to the people on a referendum.

Sen. BRADLEY: Senator Porter could you advise us as to the issue that came up in connection with this?

Sen. LAMONTAGNE: Senator Porter, could you tell us whether there is such a thing as the prayer being introduced in other states?

Sen. PORTER: There are nine bills in Congress for voluntary prayer in school. There were four people who appeared in opposition to the bill and three in favor.

Sen. SPANOS: I rise in support of the report of the committee. I was impressed by the fact that Senator Porter indicated that the Governor felt that without the amendment this bill would probably be unconstitutional. I would like just once in this session to stand up supporting the position of his excellency — in this case I feel he is right.

Adopted.

**HB 1027**

amending in general the workmen's compensation laws.



Ought to pass with amendment. Sen. Bradley for the Committee.

Sen. Blaisdell moved that HB 1027 be laid on the table.

Adopted.

**HB 939**

relative to competitive bidding on purchases made by counties. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this bill only clarifies the ability of the county to let itself out of the county. It has apparently been the thinking of many counties that they have to be purely in the county and this gives them a chance to open for bids anywhere.

Adopted. Ordered to third reading.

**HB 828**

authorizing the county commissioners to employ legal counsel. Referred to Interim Study, Executive Departments, Municipal and County Governments. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, HB 828 and the bill that follows HB 893 establish by statute the opportunity for the county commissioners and the county convention to employ legal council. The committee found contrary evidence that some commissioners and some county attorneys said they do that already and some said no that they had no way to resolve the problem and therefore it is our suggestion that HB 828 and HB 893 be referred for further study.

Adopted.

**HB 893**

permitting county conventions to employ special legal counsel. Referred to Interim Study, Executive Departments, Municipal and County Governments.

Sen. JACOBSON: Mr. President, the same as reported in HB 828.

Adopted.

**HB 801**

relative to expenses of county investigatory committee.

Ought to pass with amendment. Sen. Johnson for the Committee.

### AMENDMENT

Amend RSA 24:18 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

24:18 — Expense of Investigation. The county convention shall appropriate a certain sum for expenses for any committee established pursuant to RSA 24:17. The reasonable expenses of such investigation shall be paid by the county when approved by a judge of the superior court.

Sen. JOHNSON: This bill establishes the principle of establishing a sum of money in advance. It was felt that better control might be obtained by considering expenses. The amendment keeps the approval of such expenses by a judge of the superior court.

Amendment Adopted.      Ordered to third reading.

### HB 941

extending the appraisal period and the recapture of tax revenues under the current use assessment law. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, last week we passed HB 307 which establishes open space with the changes in taxation ability of the county to let itself out of the county. You will remember the special session we also passed legislation in respect to open space. That ends July 1 so that a property which is presently put in open space to be sold on July 2, it could be sold without any recapture with respect to the property. What HB 941 is it gives you until March 31, 1974 so that the effect of this is the continuity of the present open space law until that date.

Adopted.      Ordered to third reading.

### HB 959

relative to investment of funds by treasurers of municipalities, counties and school districts. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, this bill deals with the

investment of funds by treasurers of municipalities, counties and school districts.

Adopted.      Ordered to third reading.

**HB 917**

relative to the revision of city charters. Ought to pass. Sen. Blaisdell for the Committee.

RECESS

OUT OF RECESS

Sen. Bradley moved that HB 917 be laid on the table.

Sen. BLAISDELL: This bill removes the restriction that cities may only adopt provisions for a charter which are contained in the charter of any other city in the State of New Hampshire or any provisions contained in either of the charters contained in RSA 19-8. This would allow any city to adopt any provision in its charter that would not be inconsistent with the provisions of the New Hampshire Revised Statutes Annotated.

Sen. BRADLEY: I'm concerned that the bill may have the opposite effect.

Adopted.

**HB 720**

relative to amending the RSA by deleting the word "poll" and substituting where applicable the word "resident." Ought to pass. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: This bill simply amends the RSA's by deleting the word, "poll" and substituting where applicable the word "resident."

Adopted.      Ordered to third reading.

**HB 958**

relative to the powers of executive committees of the county. Ought to pass. Sen. Johnson for the Committee.

Sen. Johnson moved that HB 958 be laid on the table.

Adopted.

**HB 203**

relative to optional election of planning board members

in towns. Inexpedient to legislate. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, this is a bill relative to optional election of planning board members in towns.

Adopted.

### **HB 1016**

which is an omnibus legalizing act legalizing certain town meetings of the towns of Andover, Conway, Hill, Lyndeborough, North Hampton, Pembroke, Sutton, and New Durham and of the school districts of Marlow, Pembroke, and Colebrook. Ought to pass. Sen. Jacobson for the Committee.

Sen. Johnson moved that HB 1016 be laid on the table.

Adopted.

## **SUSPENSION OF RULES**

Sen. S. Smith moved that the rules of the Senate be so far suspended as to allow for the introduction of HB 823, HB 502, and HB 809 without previous notice in the Journal.

Adopted.

### **HB 823**

relative to transportation of pupils to schools. Referred to interim study on Education. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President the committee on Education reviewed this bill thoroughly and feels that the bill has merit but that there was testimony given that parts of this legislation would be terrifically excessive to certain school districts. The committee would like to have the opportunity to review this bill during the interim to try and get some hard facts on it.

Sen. LAMONTAGNE: Will any of the transportation of children on school buses be effected if this bill doesn't pass now?

Sen. S. SMITH: No. The system would stay the same as it is.

Adopted.

### **HB 502**

lowering to age three the age at which special education for handicapped children shall begin and making an appropria-

tion therefor. Sen. S. Smith for the Committee. Inexpedient to legislate.

Sen. S. SMITH: Mr. President, this bill has many similarities to HB 394 which passed earlier in the session which lowers the age of physically handicapped educated to the age of 3. It was amended in the House to conform with HB 394. The great problem with the bill is in the first section which makes it mandatory for schools to have facilities for handicapped. But the problem is that the House cut out approximately two million dollars of appropriations. We felt that it would be inequitable to have a law making it mandatory and not supply the funds.

Adopted.

Sen. Lamontagne wished to be recorded as being in favor of the bill.

#### **HB 809**

relative to the expenses of education in public institutions. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, what this bill does in effect is to have school districts pay to the state institutions for any educable or trainable persons who are in either of these institutions the same average cost for education. For those people who are between the ages of six and twenty-one who are either educable or trainable. It was thought that under the existing system that parents of such children are required to pay for the costs of those children at these institutions and for their education. While at the same time they pay local property taxes in support of education. So that situation amounts to double taxation.

Adopted.      Ordered to third reading.

#### **HB 900**

relative to the method of calculating state grants for sewage disposal construction. Ought to pass with amendment. Sen. R. Smith for the Committee.

#### **AMENDMENT**

Amend RSA 149-B:2 as inserted by section 2 of the bill by striking out in line 3 the words and numerals "July 1, 1959" and inserting in place thereof the following (July 1, 1956) so that said section as amended shall read as follows:



149-B:2 Existing Disposal Systems. Those municipalities which have undertaken construction as defined in RSA 149-B:1 between July 1, 1947, and July 1, 1956, are hereby declared entitled to payment retroactively for the principal costs for such construction. Said municipalities shall receive their total retroactive payments over a period of twenty years in equal annual installments. Application for payments under the provisions of RSA 149-B shall be made in accordance with rules and regulations which the water supply and pollution control commission is hereby authorized to promulgate, and shall be based upon reports filed with the commission prior to the thirty-first day of January in the calendar year for which payment is being requested.

Sen. R. SMITH: This bill provides for the purposes of calculating state grants for sewage disposal construction. Interest and principle will be included except as to those facilities that strike in between 47 and 56. This is the current method of calculating such grants and it really clarifies the statutes and I want to emphasize the last statement. This simply makes the language more concrete.

Amendment Adopted.      Ordered to third reading.

## HJR 5

making an appropriation for the purchase and installation of an electronic roll call system for the house of representatives. Ought to pass with amendment. Sen. Trowbridge and Brown for the Committee.

## AMENDMENT

Amend the caption of the resolution by striking out the same and inserting in place thereof the following:

## JOINT RESOLUTION

creating a special committee on an electronic roll call system for the house of representatives and making an appropriation for the purchase and installation thereof; and making an appropriation for the refurbishing and repair of the senate chamber and adjacent areas.

Amend the resolution by striking out the third paragraph and inserting in place thereof the following:

That the sum of forty thousand dollars is hereby appropriated to the senate, to be expended as follows:

1. Rug for senate chamber and sergeant-at-arms room floor to be repaired as needed, rug pad to be furnished and the rug to be of anti-static material.	\$8,500.00
2. Refinish podium	500.00
3. Paint for senate chamber which includes gallery, sergeant-at-arms rooms, rest room and the room in back of the gallery (so-called half-way house)	6,500.00
4. Repair and gold leaf scales in senate chamber.	500.00
5. Half-way house to be partitioned off into private rooms for senators.	800.00
6. Lighting and wiring	17,000.00
7. Rug runners for gallery	1,200.00
8. Tape recorder	5,000.00
Total estimated cost	<hr/> \$40,000.00

In expending this appropriation the purchasing power of the state and the painters and maintenance staff of the superintendent of buildings and grounds shall be used.

That to provide funds for the appropriation made above, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of two hundred sixty thousand dollars, and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

Sen. TROWBRIDGE: I'd like to say that this is the electronic roll call bill in the House. We put on an amendment which would put in the amount of money necessary to refurbish the Senate chambers.

Amendment Adopted.      Ordered to third reading.

Sen. Jacobson moved that HB 1016 be taken from the table.

Adopted.

### HB 1016

which is an omnibus legalizing act legalizing certain town meetings of the towns of Andover, Conway, Hill, Lyndeborough, North Hampton, Pembroke, Sutton, and New Durham and of the school districts of Marlow, Pembroke, and Colebrook. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, this bill supplants ten other bills and it puts all of the legalizing action into one bill. All of these are due to technical failures.

Adopted.

Sen. Jacobson moved an amendment.

Sen. JACOBSON: This has nothing to do with the Governor's office but Rep. Bednar came to me and asked that an amendment be made with regards to the legalizing of the county action with regards to the establishment of a budget for the eighteen month period in Hillsborough county.

Sen. FERDINANDO: Could you explain it a little more?

Sen. JACOBSON: I'll read it to you.

Sen. BOSSIE: I rise in opposition to the amendment as offered by Senator Jacobson. At this late hour I think that this is something which we should not get involved in.

Sen. S. SMITH: I have no interest in this whatsoever. I am wondering are you familiar with this amendment?

Sen. BOSSIE: Just from what I've heard. I do understand that there has been some controversial action taken at these meetings.

Sen. S. SMITH: Would you think that it might have merit to possibly table this until such time as any controversy is straightened out?

Sen. BOSSIE: Under the circumstances I'd be opposed. I don't know about this.

Sen. FERDINANDO: I support Senator Bossie's position.

Amendment not adopted.      Ordered to third reading.

**HB 74**

relative to regulation of the practice of pharmacy. Ought to pass with amendment. Sen. Preston for the Committee.

**AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Eligibility. Amend RSA 318:3 by striking out said section and inserting in place thereof the following:

318:3 Eligibility. The members shall have been registered pharmacists for at least ten years, and at the time of their appointment shall have conducted a pharmacy in this state for at least five years.

Amend the bill by striking out section 13 and inserting in place thereof the following:

13 Increased Pharmacy Commission. Amend RSA 318:2 by striking out said section and inserting in place thereof the following:

318:2 Appointment. There shall be a commission of pharmacy and practical chemistry consisting of five members, one of whom shall be engaged full-time in the practice of hospital pharmacy, which members are to be appointed by the governor with the advice and consent of the council for terms of three years and until their successors are appointed and qualified. Vacancies shall be filled for the unexpired term.

Further amend the bill by striking out all after section 14 and inserting in place thereof the following:

15 Prescription Unnecessary in Certain Instances. Amend RSA 318:52-e (supp) as inserted by 1971, 135:1, by striking out said section and inserting in place thereof the following:

318:52-e Control or possession of Hypodermic or Like Instruments Without Prescription Prohibited. No person shall have under his control or possess a hypodermic syringe, hypodermic needle, or any instrument adapted for the administration of controlled drugs by injection, except a duly licensed physician, dentist, nurse, podiatrist, veterinarian, a registered em-

balmer, manufacturer or dealer in embalming supplies, registered pharmacist, wholesale druggist, manufacturing pharmacist, manufacturer of surgical instruments, official of any government having possession of the articles covered by this section by reason of his official duties, para-medical personnel acting under the direction of a physician or dentist, employees of a hospital, sanitarium or other licensed medical institution acting under the direction of its superintendent or officer in immediate charge, or a carrier or messenger engaged in the transportation of such articles during the official performance of his duties, or a person who has received a written prescription issued under RSA 318:52-c. For the purpose of this subdivision no such prescription shall be valid which has been outstanding for more than six months. Provided, however, that the industrial use of hypodermic syringes, needles or instruments in any manufacturing process not utilizing controlled drugs shall not be prohibited, so long as such use is under the proper supervision of a designated person or persons; and such hypodermic syringes, needles or instruments may be purchased for such use from a registered drug store without a written prescription issued under RSA 318:52-c.

**16 Effective Date.** This act shall take effect sixty days after its passage.

**Sen. PRESTON:** This would add to the Commission of Pharmacy, one hospital pharmacist. This would be a regulatory bill on the practice of pharmacy.

**Amendment Adopted.**      **Ordered to third reading.**

### **HB 678**

establishing a committee to study rules and regulations promulgated by the welfare department as they are applied to day care centers. Ought to pass with amendment. Sen. Preston for the Committee.

### **AMENDMENT**

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

**1 Committee Established.** There is hereby established an interim committee to study the application of day care rules and regulations which are issued and enforced by the division



of welfare, department of health and welfare. Such committee shall consist of six members of the house committee on public health and welfare appointed by the chairman of said committee and two members of the senate committee on public health, welfare and state institutions appointed by the chairman of said committee. The members shall elect one of the members as chairman. Members shall receive no compensation for their services but shall receive legislative mileage for attendance at meetings. The committee shall meet at a place to be determined by them every other month on the third Wednesday of such month, beginning in August. The committee shall submit a final report of its findings, together with any proposals for legislation to the speaker of the house of representatives and the president of the senate by November 1, 1975.

Sen. PRESTON: The committee has been changed to consist of six members of the House and two members of the Senate.

Amendment Adopted.      Ordered to third reading.

### SUSPENSION OF RULES

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to allow for introduction of a committee reports on HB 151, HB 278, HB 129, HB 489, HB 272, HB 388, HB 390, HB 299, and HB 919 without the necessary publication in the Journal.

Adopted.

#### **HB 151**

establishing a solid waste committee; providing for development of a solid waste disposal program and making an appropriation therefor. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: Mr. President, this is Rep. Greene's bill. It establishes the solid waste committee and it provides a solid waste disposal program in order to see if we can develop a real good solid waste control program.

Adopted.      Ordered to third reading.

#### **HB 278**

providing for overtime payment for the inspectors in the

office of the state fire marshal. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this allows that the inspectors receive overtime for some of their calls. As you know many times these people are called out in the middle of the night for a fire of a suspicious origin and many times if a body is found in a fire they have to stay late and at present receive no overtime. It will cost \$4,822 estimated the first year and the second year \$5,828.

Adopted.      Ordered to third reading.

#### **HB 129**

increasing the authority of the town of Lincoln to issue emergency notes. Inexpedient to legislate. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: This bill had quite a bit of divided testimony on it and we felt that we should not get in on it.

Sen. BOSSIE: Could this be settled out of court?

Sen. TROWBRIDGE: The whole part of it is that the law suit is at a certain point and it deals with a certain check being in the hands of the right party.

Adopted.

#### **HB 489**

to make the police standards and training council a permanent state agency and making an appropriation therefor. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: This had been funded under federal funds. Now these funds have been cut off and the police throughout the state appeared all in favor of continuing this council. If the state puts up around \$11,000 the federal government will add about \$100,000 and these councils can be held throughout the state to improve the police forces.

Adopted.      Ordered to third reading.

#### **HB 272**

increasing the sum paid for care of mentally ill persons in foster homes. Ought to pass. Sen. Provost for the Committee.

Sen. PROVOST: Mr. President, this bill increase the com-

pensation to families of retarded children on a per child basis. This will go from \$100 to 150 dollars per month.

Adopted.      Ordered to third reading.

**HB 388**

relative to conducting aerial photographic surveys and obtaining aerial photographs and making an appropriation therefor. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this will produce aerial photographs of the entire state of New Hampshire which will be a great aid to the betterment of your towns and cities in the preparation of their tax maps. The cost is a total of \$32,000.

Sen. PRESTON: Sen. Foley and I had a bill similar to this and we support the idea of the commercial fisherman in the Department of Economic Resources and Development.

Adopted.      Ordered to third reading.

**HB 390**

providing for the care and treatment of children with end-stage kidney disease and making an appropriation therefor. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: Mr. President, the trauma of terminal kidney disease is well known. This medical situation is the only one that is known with the technical ability to save patients from sure death due to lack of funds.

Sen. JOHNSON: I rise in favor of that bill.

Adopted unanimously.      Ordered to third reading by unanimous vote.

**HB 299**

to designate certain highways as bicycle trails and making an appropriation therefor. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: This bill would allow the Director of Community Recreation to designate bicycle trails along class one, two, three and four highways and maps prescribing the routes. \$3,000 was appropriated for this bill.

Adopted.      Ordered to third reading.

**HB 919**

relative to the acquisition of a dam and water rights on the Winnepesaukee River by the water resources board. Ought to pass. Sen. S. Smith for the Committee.

Sen. S. SMITH: Mr. President, HB 919 allows the Water Resources Board to take over the Avery Dam which is located on the Winnepesaukee River and control the level of Opeechee.

Adopted.      Ordered to third reading.

**RECESS****OUT OF RECESS****COMMITTEE REPORTS CONTINUED****HB 788**

relative to a warranty bond for automobiles sold in this state. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this provides that any company that sells trucks in the state of New Hampshire that if the company does not have \$50,000 in assets they will post a security bond in the state to assure that there are warrantees on the vehicles that they sell.

Adopted.      Ordered to third reading.

**HB 860**

relative to the membership of the New Hampshire State Port Authority. Ought to pass. Sen. Claveau for the Committee.

Sen. CLAVEAU: Mr. President, this bill is relative to the membership of New Hampshire citizens, and port authorities to fill the office of the state board authorities by removing the president of the Seacoast Regional Development Association as a member. And instead have a commercial fisherman appointed by the Governor and Council. It also puts a member of the Department of Resources and Economic Development as a voting member.

Adopted.      Ordered to third reading.

**HB 66**

establishing a flat rate of registration fee for all passenger motor vehicles except trucks and providing for a monthly pro-

ration of the fee. Majority: Ought to pass; Minority: Inexpedient to legislate.

Sen. Blaisdell moved that HB 66 be laid on the table.

Adopted.

### HB 1037

to provide for the repeal of the law tending to prohibit hitchhiking. Inexpedient to legislate. Sen. Lamontagne for the Committee.

Sen. LAMONTAGNE: Mr. President, and members of the Senate, this would have permitted hitchhikers provided that the individual act so that he is not standing on a paved portion of the highway. Our committee found it inexpedient to legislate.

Sen. PORTER: I understand that this would not allow hitchhiking, if the bill were passed, like on I 93. Is that true?

Sen. LAMONTAGNE: That's right. The New Hampshire state police opposed this and the New Hampshire Division of Highways and Manchester.

Sen. Porter moved that the words ought to pass be substituted for the words inexpedient to legislate.

Sen. PORTER: Mr. President, I was not able to make the hearing but I feel that this would be a worthy bill to pass. People would still not be allowed to hitchhike on the interstate highway.

Sen. SPANOS: Mr. President, I was going to support the committee report but I have changed my mind after listening to Sen. Porter's presentation of the facts. I think there is a lot of merit in what he has to say.

Sen. SANBORN: I rise in opposition to the present motion. I think that somebody has misrepresented the bill. If you take a close look at it, it says that it shall be lawful for any person to hitchhike or solicit a ride from the occupant of any vehicle upon any road, highway or limited access provided that the individual is not when so doing, standing on the paved portion of the road. Two years ago the gentleman that sponsored this bill sponsored a similar bill that allowed hitchhiking on the secondary roads of New Hampshire and he made the statement before the committee that the principle of this was to allow



hitchhiking on the interstate highway. All people in our law enforcement department appeared in opposition to this because of the hazard that it would create.

Sen. SPANOS: Senator Sanborn, in your youth did you ever hitchhike?

Sen. SANBORN: No, because I found it unlawful.

Sen. CLAVEAU: I rise in opposition to the pending motion and for the committee report. I think the whole theory is wrong.

Sen. PORTER: Senator Claveau, when you're driving around and you see someone hitchhiking is there any law that says you have to stop and pick them up?

Sen. CLAVEAU: No, there isn't. I hitchhiked all across the country when I was in the Navy and I noticed many times when cars stopped that several times I was almost hit because of the confusion it caused when a car would stop to pick me up. I think it's a very dangerous thing.

Sen. MCLAUGHLIN: I'd like to rise in favor of the pending motion.

Sen. JACOBSON: Mr. President, I rise in opposition to the motion. I think that the problem of hitchhiking is a very dangerous problem especially on the turnpikes. I thought that we had come to an agreement on this that they could hitchhike as long as they did not stand on the paved portion.

Sen. PRESTON: Senator Porter, you gave me the impression that this excluded interstate highway hitchhiking.

Sen. PORTER: Mr. President, so that we might find out for certain whether this bill does not allow hitchhiking on the interstate, I move that HB 1037 be laid on the table.

Adopted.

## HB 865

providing for certain motor vehicle privileges free to permanent and totally disabled veterans. Ought to pass. Sen. Lamontagne for the Committee.

Sen. LAMONTAGNE: This bill would extend the privilege of obtaining free town motor vehicle registration permits,

free state motor vehicle registration permits, free motor vehicle operation licenses, special license plates and parking privileges granted to various veterans of WWI, WWII and the Korean Conflict and the Vietnam Conflict who are rated as totally and permanently disabled.

Adopted.      Ordered to third reading.

### **HB 955**

relative to the sale of liquor and alcoholic beverages by restaurant cocktail lounges. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, HB 955 would provide that 1st class restaurants and cocktail lounges may buy a special license to permit such activities as serving alcoholic beverages without a required food consumption and restricts the limitation that they must retain retail sales of food products and a percentage of it. This bill was introduced at the request of the Liquor Commission and there was no opposition to it.

Adopted.      Ordered to third reading.

### **HB 942**

relative to reassessment to taxable property. Inexpedient to legislate. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, HB 942 was the amendment put on HB 818 which passed this chamber a few days ago so this is inexpedient to legislate.

Adopted.

## **SUSPENSION OF RULES**

Sen. Brown moved that the rules of the Senate be so far suspended as to allow for the introduction of a committee report without previous notice in the Journal.

Adopted.

### **HJR 37**

providing for 1975 World Cup Championship at Cannon Mountain. Ought to pass. Sen. Brown for the Committee.

Sen. BROWN: Mr. President, Cannon Mountain has been selected for the North American Alpine Ski Championship for

1975. And there will be teams from France, Switzerland, Austria, Canada and Germany competing against the United States ski teams and this event will be telecast nationally and tapes will be made for distribution throughout the world. Local interest has pledged their support for \$35,000. This bill is requesting \$42,000 from the state to prepare a course, recreation and entertainment etc. If for some reason this event is not held this money will lapse.

Sen. LAMONTAGNE: What's going to happen to the money that is made from the television coverage? Who will receive the profits?

Sen. BROWN: I don't know. That was not brought up.

Sen. LAMONTAGNE: So in other words DRED would be in full control of this?

Sen. BROWN: It's in our state park system and they are in control of that.

Adopted. Referred to Finance.

#### **HB 764**

providing for a liquor license for passenger vessels. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, HB 764 just updates the law relating to the sale of alcohol on passenger vessels. This is something that should have been done back in 1957 and for some reason was never passed.

Adopted. Ordered to third reading.

### **RECESS**

### **OUT OF RECESS**

Sen. Lamontagne moved that the rules of the Senate be so far suspended as to allow for the introduction of a committee report without previous notice in the Journal.

Adopted.

#### **HB 247**

relative to a two lane extension of the Spaulding Turnpike. Ought to pass with amendment. Sen. Lamontagne for the Committee.

## AMENDMENT

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Approval Required. Amend RSA 256-C (supp) by inserting after section 15 the following new section:

256-C:16 Spaulding Extension — Opinion Required. Notwithstanding any other provision of law to the contrary, if an environmental protection department or any other similar state agency is established by the 1973 session of the general court, the commissioner of public works and highways shall request the opinion and recommendations of the environmental protection department as to whether the proposed project will conform to its policy, whether unconditionally or subject to conditions to be recommended by the environmental protection department. The department shall return its reply expeditiously and may conduct a public hearing thereon. The commissioner shall give due consideration to the opinion of the department and shall adhere to recommendations made by the department when in his opinion it is feasible to do so.

Sen. LAMONTAGNE: Mr. President the committee felt that the Commissioner of Highways should have the right to make a decision not to hold up a project. This is in reference to the Spaulding Extension. In this bill HB 247, what it does is make it a two lane highway and at the same time it would mean that the land for the third and fourth lanes would be allowed so that it could be made at a later date.

Sen. GREEN: Senator, I'm looking back in the House Journal where the original amendment to 247 was shown. How is the new amendment different from the original amendment as passed in the House?

Sen. LAMONTAGNE: In the original amendment in the way it passed the amendment had to go through the Environmental Protection Department and if they said no that would have held up the project. But the Public Works Committee and many other people felt that in the past that the Environmental Protection Agency should not have the full authority to stop such action.

Sen. PORTER: Senator Lamontagne, is not the language in

your amendment not the same as the language in SB 1 that the Highway Department does not have veto power over the E.P.A.?

Sen. LAMONTAGNE: It is the same.

Sen. GREEN: I rise in support of the suspension.

Amendment Adopted. Referred to Finance.

Sen. Porter moved that we reconsider our action on sending HB 1016 to third reading and vote in favor of reconsideration.

Adopted.

Sen. Porter moved reconsideration of our vote where by we voted against the amendment offered by Sen. Jacobson on HB 1016.

Sen. PORTER: Mr. President, this is the bill that Senator Jacobson brought in the amendment for Rep. Bednar relative to the Hillsborough county delegation. The Senator from Hillsborough County met with the chairman of the delegation from Hillsborough County and Mr. Bednar, and recognize and understand more clearly what they are trying to do.

Adopted.

### **HB 1016**

which is an omnibus legalizing act legalizing certain town meetings of the towns of Andover, Conway, Hill, Lyndeborough, North Hampton, Pembroke, Sutton, and New Durham and of the school districts of Marlow, Pembroke and Colebrook.

### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### **AN ACT**

which is an omnibus legalizing act legalizing certain town meetings of the towns of Andover, Conway, Hill, Lyndeborough, North Hampton, Pembroke, Sutton, and New Durham and of the school districts of Marlow, Pembroke and Colebrook and relative to the adoption of an optional fiscal year by Hillsborough county and validating certain proceedings of the Hillsborough county executive committee and Hillsborough county delegation.



Amend the bill by striking out all after section 11 and inserting in place thereof the following:

12 Hillsborough County Fiscal Year. Notwithstanding the provisions of RSA 31:94-a, Hillsborough county shall be deemed to have adopted a single eighteen month accounting period running from January 1, 1973 to June 30, 1974. Thereafter, accounting periods for said county shall run from July 1 to June 30 of the following year.

13 Hillsborough County Action Validated. The action taken relative to adoption of a budget for Hillsborough county for the eighteen month period running from January 1, 1973 to June 30, 1974, including the votes and proceedings of the county executive committee on May 7, 1973 and of the county convention on May 21, 1973, are hereby legalized, ratified and confirmed and said budget shall have full force and effect.

14 Hillsborough County Transition Period. Hillsborough county may incur debt pursuant to RSA 31:94-d in an amount not to exceed one third of the amount of its aforesaid budget adopted for the accounting period running from January 1, 1973 to June 30, 1974, excluding payments upon its outstanding debts.

15 Effective Date. This act shall take effect upon its passage.

Sen. PORTER: I think many of the members of the Hillsborough county group were surprised by the amendment and had not been made aware of the necessity for it. What we are trying to do is legalize and ratify the actions of the Hillsborough county delegation relative to the adoption of an 18 month budget for the county and their budget activities at a subsequent meeting.

Sen. PRESTON: Senator Bossie are you now satisfied with this bill?

Sen. BOSSIE: I am personally not that satisfied with the bill. It probably is satisfactory as far as they are concerned.

Sen. PORTER: Senator Bossie is it true that this bill will, assuming that the House nonconcur, go to a committee of conference to which you could probably be nominated should you so desire?

Sen. BOSSIE: I decline the nomination, and I hope that the House will nonconcur.

Sen. JACOBSON: Mr. President, I just want to say that if we reconsidered it would not be an amendment by Senator Porter, it would be an amendment offered by myself so that if you want to have the record straight I don't care one way or the other.

Amendment Adopted.      Ordered to third reading.

Sen. Sanborn moved that the rules of the Senate be so far suspended as to allow the introduction of a committee report without previous notice in the Journal.

Adopted.

#### **HB 1028**

establishing the New Hampshire Transportation Authority and making an appropriation therefor. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President, this bill would establish a New Hampshire Transportation Authority as a Public Cooperation with a board of directors appointed by the Governor and Council. They shall study the public mass transportation needs for the state of New Hampshire, ascertain what has to be done and where feasible to take action to improve existing facilities and to provide services where none exist. There is an appropriation of \$100,000 for each year of the biennium for a total of \$200,000.

Adopted.      Referred to Finance.

Sen. Jacobson moved that the rules of the Senate be so far suspended as to allow for the introduction of a committee report without previous notice in the Journal.

Adopted.

#### **HB 470**

establishing a New Hampshire Housing Commission and making an appropriation therefor. Ought to pass. Sen. Preston for the Committee.

Adopted, unanimously.

Sen. PRESTON: This bill respects home rule. Local plan-

ing authority does not have rights of Eminent Domain. This need for housing is especially critical to the state's elderly citizens and underemployed heads of families whose fixed retirement incomes and low wage incomes, respectively, are increasingly diminished by rising costs of living, generally, and by dramatic increases in housing expenses specifically.

While over 47,000 citizens of New Hampshire live in units lacking adequate plumbing facilities, many more citizens are forced to "steal" from shrinking food and clothing budgets to pay a disproportionate percentage of income just so they can remain in adequate housing.

Programs currently exist and new ones will surely be initiated by the Federal Government which are designed to assist people in this terrible plight. Such programs have been employed and implemented to considerable local advantage by New Hampshire's neighbors to the North, West, and South. Now it's New Hampshire's turn to rightfully and responsibly construct a vehicle, a State Housing Commission, which can serve as a focal point for concern about its citizens' housing needs and as a conduit of federal funds particularly to New Hampshire's smaller cities and towns which cannot realistically compete as individual entities.

House Bill 470 provides for the establishment of this vitally necessary vehicle at the state level, yet it preserves the right of local prerogative. For example, this legislation requires a town meeting prior to housing program adoption. With imaginative leadership, the proposed State Housing Commission could not only put New Hampshire in a competitive position for its share of the federal tax dollar (citizens of New Hampshire currently pay \$1.33 for every \$1.00 returned by the federal government) from such agencies as the Department of Housing and Urban Development, the Farmers Home Administration of the Department of Agriculture, and the National Council for the Aging but it would also take a giant step forward toward alleviating housing problems of needy citizens.

Sen. Spanos moved that HB 470 be laid on the table.

Adopted.

Sen. McLaughlin moved that the rules of the Senate be so far suspended as to allow for an introduction of a committee report without previous notice in the Journal.

Adopted.

**HB 897**

relative to the board and care of persons committed to the Laconia state school and training center, the New Hampshire hospital or the New Hampshire Home for the Elderly. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President, and members of the Senate. This bill provides that persons who have been resident inmates of the New Hampshire Hospital or Laconia State School or Training Center shall not be charged a weekly rate except inmates who have a separate independent income. In other words for person who have been there for ten years, the state will assume the weekly charge unless the person has an income of their own such as social security or V.A. funds.

Sen. GARDNER: Mr. President, I am very much in favor of this.

Sen. SANBORN: Sen. McLaughlin, we had a bill earlier today supported by Sen. Smith that school districts were going to take over the payment for the education of handicapped children etc. How does this effect that?

Sen. MCLAUGHLIN: It doesn't.

Adopted. Referred to Finance.

**HB 843**

establishing a postsecondary education commission to absorb the coordinating board of advanced education and accreditation and the New Hampshire higher education facilities commission. Ought to pass with amendment. Sen. S. Smith for the Committee.

**AMENDMENT**

Amend RSA 188-D:2, VII, as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following:

VII. Two members to be appointed by the governor and council as representatives from the following type colleges or schools: junior colleges, proprietary schools, junior or senior colleges and community colleges not members of the New Hampshire college and university council;

Amend RSA 188-D:6, II, as inserted by section 1 of the bill by striking out in line three the word "preparatory" and inserting in place thereof the following (proprietary), so that said paragraph as amended shall read as follows:

II. 1975, a representative of the university system, a representative of a private senior college, a representative of a private junior college, proprietary school, or other junior or senior college;

Amend RSA 188-D:6, IV, as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

IV. 1977, a representative of a private senior college, a representative of a private junior college, proprietary school, or other junior or senior college or community college; a representative of the lay public;

Amend RSA 188-D:8, II, as inserted by section 1 of the bill by inserting in line four after the word "property" the following (granted to them under RSA 186:13-a and elsewhere), so that said paragraph as amended shall read as follows:

II. On July 1, 1973, the postsecondary education commission shall become the successor agency for both the coordinating board of advanced education and accreditation and the higher education facilities commission. All the power functions, duties, personnel, records and property granted to them under RSA 186:13-a and elsewhere are hereby transferred to the postsecondary education commission. The transfer herein provided for shall not eliminate any existing position within the classified state service unless said position shall be vacant or if filled, its incumbent has been transferred to an equivalent or higher-paid position of like tenure. Wherever any statute refers to the coordinating board of advanced education and accreditation or the higher education facilities commission, it shall henceforth be construed to mean the postsecondary education commission.

Amend the bill by striking out section 19 of same and inserting in place thereof the following:

19 Community Colleges in Existence. Notwithstanding the provisions of sections 15 and 16 of this act, those community colleges in existence on July 1, 1973 shall retain all the powers,



rights, exemptions and privileges granted to them under RSA 292:8-K and RSA 292-A:4.

20 Effective Date. This act shall take effect on July 1, 1973.

Sen. S. SMITH: Mr. President, the amendment to HB 843 is found on the bottom of p. 27. What it does in effect is bring into this bill, which is establishing a post secondary education committee, to absorb the coordinating board of advanced education and accreditation and higher education facilities commission. Community colleges are to be included in membership. If this amendment is adopted I shall offer another amendment which purely and simply clarifies the existing amendment by adding to words "community college to 1975." This bill is on the books to comply with Public Law 92318 where in effect a commission is set up to make decisions as far as funding is concerned for higher education. I hope that the Senate will go along with the committee report.

Amendment Adopted.

Sen. S. Smith moved the following amendment.

#### AMENDMENT

Amend RSA 188-D:6, II, as inserted by section I of the bill by inserting in line three after the words "senior college" the following (or community college), so that said paragraph as amended shall read as follows:

II. 1975, a representative of the university system, a representative of a private senior college, a representative of a private junior college, proprietary school, or other junior or senior college or community college;

Sen. S. SMITH: I have already referred to this amendment while describing the bill.

Amendment Adopted.      Ordered to third reading.

Sen. Bradley moved that HB 917 be taken from the table.

Adopted.

#### HB 917

relative to the revision of city charters. Ought to pass. Sen. Jacobson for the Committee.

Sen. Bradley moved the following amendment.

## AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 City Charter Amendments: Amend RSA 49-A:12 as inserted by 1963, 275:1, by striking out in lines seventeen, eighteen and nineteen the words "contained in the charter of any other city in the state of New Hampshire, or any provisions contained in either of the charters provided for by this chapter." and inserting in place thereof the following (which are not specifically prohibited by the provisions of the New Hampshire Revised Statutes Annotated.) so that said section as amended shall read as follows:

49-A:12 Amendments and Later Referenda. Amendments to any charter adopted hereunder may be made by the same procedure hereinabove outlined in the preceding four sections at any regular city election held after the adoption of the charter. At any regular city election held not less than five years after the adoption of one optional form of charter herein provided for, a different optional form may be adopted by any city by the procedure hereinabove established by this chapter. Any city wishing to adopt the amending process hereinabove provided for without adopting either of the two charters provided for by this chapter may do so under the procedure set forth in section 8 of this chapter by submitting the following question to the voters at any regular municipal election: Shall the city of \_\_\_\_\_ —adopt the home rule amending process provided for in RSA 49-A which will permit the city to adopt amendments to its charter by popular referendum without the necessity of legislative act? If a majority of those voting on the question answer "Yes", the city shall thereafter be empowered to adopt as an amendment to its own charter any provisions which are not specifically prohibited by the provisions of the New Hampshire Revised Statutes Annotated. Upon the adoption of any amendment to an existing corporate charter or upon the adoption of either of the charters provided for by this chapter, the city clerk of the adopting city shall not later than ten days thereafter file with the secretary of state a certified copy of the amendment or of the charter adopted.

Sen. BRADLEY: The original bill simply was intended to extend the scope of the local option of the charters. On the previous bill it said "Not in existence with the RSA." It seems

to me to be too vague and I'm proposing that it be changed to say "which are not specifically prohibited by the provisions of New Hampshire's RSA." It's really no change in substance, it's only attempting to carry out the sponsor's wish.

Amendment Adopted. Ordered to third reading.

Sen. Jacobson moved that HB 958 be taken from the table.

Adopted.

### HB 958

relative to the powers of executive committees of the county. Ought to pass with amendment. Sen. Johnson for the Committee.

### AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 County Executive Committee. Amend RSA 24:2, as amended, by striking out said section and inserting in place thereof the following:

14:2 Officers and Executive Committee. At its first regular meeting, or at any subsequent meeting when necessary, the county convention shall elect a chairman, vice-chairman, clerk, and an executive committee. The chairman, vice-chairman and clerk shall be members of the executive committee, ex officio. The county convention may designate the executive committee to act as a sub-committee to consider the budget, or other matters, and make recommendations to the county convention.

Sen. JOHNSON: Mr. President, there is a very small amendment here that adds the words "or other matters" in the last line of 24 para. 2. The purpose of this bill is relative to the powers of the executive committees of the county. The bill allows the county convention to act as a subcommittee to serve the budget and other matters. The purpose of this bill is to clarify and legalize methods now commonly used as these provisions are not now in the law. Several representatives spoke in favor of this.

Sen. BRADLEY: As I understand the bill and the amendment, it would still only be giving the executive committee

powers to recommend to the whole convention any powers to do anything on its own. Is that correct?

Sen. JOHNSON: The County Convention may designate the executive committee to act as a subcommittee to consider the budget and other matters and make recommendations to the County Convention.

Amendment Adopted.      Ordered to third reading.

Sen. Bossie moved that HB 649 be taken from the table.

Adopted.

### HB 649

authorizing tests on the bodies of certain motor vehicle accident fatalities to determine the content of alcohol in their blood. Inexpedient to legislate. Sen. Bossie for the Committee.

Sen. Jacobson moved that the words ought to pass be substituted for the words inexpedient to legislate.

Sen. JACOBSON: Mr. President, HB 649 allows the examination of fatalities in automobile accidents to have blood drawn from them to determine whether or not they qualify as DWI.

Sen. JACOBSON: I've talked with Mr. Powers of the Highway Safety Committee who backed this bill. As its sponsor he indicates that it's necessary for the continuance of research into this whole area of traffic safety. I feel that this bill will be of help and assistance to those who are interested in enlarging the scope of safety on our highways.

Sen. CLAVEAU: I rise in support of the pending motion.

Sen. BOSSIE: Originally I had opposed this bill because people who survived these accidents did not have to have their blood tested, notwithstanding this I will concur with this bill after having talked with Mr. Powers who feels that it is of the utmost necessity to be aware of the exact statistics. I don't want to prevent that.

Sen. DOWNING: Mr. President, I rise in opposition to the pending motion and favor the committee report. There is something inherently bad about this bill. When you stop and think that after the fact they are going to examine an individ-

ual that is now dead, and this can be brought into the courts and newspapers and the individual can no longer defend himself from. Now I have been a supporter of the anti-drunk legislation and I'll continue to do so, but I just feel that this becomes an infringement on the rights of the individual and it's too bad to bear.

Sen. JACOBSON: Is it not also true however, that autopsies are commonly performed on individuals who have not ability to say yes or no?

Sen. DOWNING: I think that they are placed and I don't think that they are commonly placed. They are not performed without certain conditions and there are no conditions with this.

Division: Yeas, 11; Nays, 8.

Amendment Adopted. Ordered to third reading.

Sen. Spanos moved the HB 470 be taken from the table.

Adopted.

#### **HB 470**

establishing a New Hampshire Housing Commission and making an appropriation therefor. Ought to pass. Sen. Preston for the Committee.

Adopted. Referred to Finance.

#### **ENROLLED BILLS AMENDMENTS**

HB 68, relative to weights and measures standards.

#### **AMENDMENT**

Amend section 3 of the bill by striking out line one and inserting in place thereof the following:

3 Weights and Measures Laboratory Fees. Amend RSA 359-A:36 (supp) , as in-

Amendment adopted.

HB 418, providing additional cost of living retirement allowances for certain state employees and making an appropriation therefor.



## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

providing additional cost of living retirement allowances for certain retired state employees and policemen and making appropriations therefor.

Amendment Adopted.

HB 618, increasing the commission on pari-mutuel pools at horse and harness races and changing the tax payable to the state.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

increasing the commission on pari-mutuel pools at horse and harness races.

Amendment Adopted.

HB 578, relative to the duties of the division of welfare pertaining to child welfare.

## AMENDMENT

Amend section 4 of said bill by striking out the third line and inserting in place thereof the following:

welfare services) and by inserting in line seven after the word "assistance" the words (or services) so that said section as amended shall read as follows:

Amendment Adopted.

HB 781, relative to embalmers, morticians and funeral directors.

## AMENDMENT

Amend section 1 of said bill by striking out the first two lines and inserting in place thereof the following:

1 Embalmers. Amend RSA 325:13 (supp) as amended by 1973, 72:69 by striking out in line thirteen the words "Provided, however, that a one-

Further amend said section by striking out line eight and inserting in place thereof the following:

or in the employ of another, unless he shall be at least eighteen years of

Amendment Adopted.

HB 896, relative to health certificates for child-care agency personnel.

#### AMENDMENT

Amend section 1 of the said bill by striking out the first three lines and inserting in place thereof the following:

1 Child-Care Agency Personnel. Amend RSA 170:19 (supp) as inserted by 1971, 74:2 by striking out in line three the words "annually the child-caring or" and inserting in place thereof the word (the) and by

Amendment Adopted.

The CHAIR: The Chair announces that yesterday's Journal is incorrect and Sen. Porter has been appointed to the Governor's Council on Energy.

Sen. Spanos moved that HB 1037 be taken from the table.

Adopted.

#### HB 1037

to provide for the repeal of the law tending to prohibit hitchhiking. Inexpedient to legislate.

Question is on Sen. Porter's motion to substitute the words ought to pass for the words inexpedient to legislate.

Sen. SPANOS: Mr. President, I arise a second time because I've had a brief conversation with the sponsor of the bill who has informed me that the legislation before you does in fact say nothing about the interstate highway system because the federal law currently provides and prohibits hitchhiking on the interstate system. So what the sponsor indicated to me that we have many highways that are not interstate but eligible for hitchhiking.

Sen. S. SMITH: My understanding was that originally there was a companion bill to this?

Sen. SPANOS: I have no idea to what you refer.

Adopted.      Ordered to third reading.

Sen. Johnson moved that HB 846 be taken from the table.

Adopted.

### **HB 846**

relative to the time of school district meetings in cooperative school districts. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: It was felt from the testimony that we received that it basically changes the dates for school districts meetings in cooperative school districts back to a period of time from March 1 to April 20.

Sen. JACOBSON: Mr. President, I rise in opposition to the motion of the committee. I think what this will do is it will complicate the problem of town meeting. As originally changed from the second Tuesday to the first Tuesday we also changed the cooperative school district meeting from meeting the first of March to the 15 of March that is what the change was then. The question was raised at that time about the single school districts and it was felt that being confined within the same political subdivision as the town then there would not be the same problem. Now it makes it possible to have a cooperative school district which may involve nine or ten towns to have their meeting at approximately the same time as the town meeting has theirs. And as you know there is the tendency to recess meetings to a later date. I think this change will precipitate a considerable amount of confusion.

Sen. S. SMITH: Mr. President, I rise in support of the committee report. This is a very simple bill and what it does is to put the cooperative school district meetings in the same time frame as the local school board time frame. It does allow a cooperative school meeting to meet in the first week of March before the town meeting. I don't think it will conflict due to the fact that all town meetings are all on the same day. It gives the local community the option of when they want to have their meeting.

Sen. JACOBSON: I want to be recorded in the Journal as being opposed to the bill.

Adopted.      Ordered to third reading.

Sen. Jacobson wishes to be recorded as being opposed to the bill.

Sen. Bradley moved that HB 775 be taken from the table.

Adopted.

### **HB 775**

relative to retail sales agreements. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this bill that extends the law which protects the people from home solicitations sales to include cash or credit sales. This was a bill that received unanimous support at the committee hearing. This bill would make our statutes in line with the federal trade statutes on the subject.

Sen. Ferdinando moved that HB 775 be indefinitely postponed.

Sen. FERDINANDO: Mr. President, what this bill does is to discourage salesmen from selling.

Sen. BRADLEY: Aren't you wrong about the 15 day requirement. Isn't it three days?

Sen. FERDINANDO: That may be, but if they sell you something and they pay you cash for it, that should be a binding agreement.

Sen. BOSSIE: Senator Bradley, is it not true that the questions that are posed by Senator Ferdinando are covered by FDC regulations?

Sen. BRADLEY: Yes, I think that it is.

Sen. SPANOS: Senator Ferdinando, assuming that someone could read the Bible in three days would you think that he'd return it?

Sen. FERDINANDO: The possibility is there.

Division: Yeas, 5; Nays, 12.

Motion lost.

Adopted.      Ordered to third reading.

Sen. Downing moved that the rules of the Senate be so far suspended as to allow for committee reports on HB 218, HB 254, HB 478, and HB 776, without the necessary notice in the Journal.

Adopted.

#### **HB 218**

permitting the sale of sweepstake tickets and authorizing incentive awards to ticket sellers. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, HB 218 relates to the Sweepstakes Commission and it merely allows them where they were getting prizes of television sets to cash awards for selling or winning tickets. We urge your support.

Adopted.      Ordered to third reading.

### **RECESS**

### **OUT OF RECESS**

#### **HB 254**

specifying certain deductions which must be allowed proprietorships and partnerships in calculating the business profits tax. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, this bill merely changes a word "shall" to "must" relative to the tax commission considering the labor of individuals and proprietors of businesses. The head of the tax commission was in but he didn't oppose it.

Adopted.      Ordered to third reading.

#### **HB 478**

permitting the sale of tickets known as lucky seven at beano games sponsored by charitable organization subject to rules and regulations established by the sweepstakes commission and payment of a fifteen per cent tax. Ought to pass with amendment. Sen. Downing for the Committee.

### **AMENDMENT**

Amend RSA 284:21-s, II as inserted by section 1 of the bill



by striking out said paragraph and inserting in place thereof the following:

II. Payment of a tax of twenty percent by the organization running the game of the wholesale cost of such tickets to the sweepstakes commission within ten days after the receipt of the tickets. All funds collected hereunder shall be credited to the special fund established under RSA 284:21-j.

Amend RSA 284:21-s, III as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

III. The price of any lucky seven ticket pack or ticket card sold at any beano game shall not exceed fifty cents.

Amend section 3 of the bill by striking out said section and inserting in place thereof the following:

3 Effective Date. This act shall take effect ninety days after its passage.

Sen. DOWNING: Basically, Mr. President, this bill came from the House with only three minor changes. One the House recommended a fifteen percent commission gross was changed to twenty percent of cost. This also clarifies what a ticket is and clarifies the date from sixty days to ninety days to have adequate time for the Sweeps Commission to control the whole situation.

Sen. SANBORN: Was this discussed with the sponsor of the bill?

Sen. DOWNING: Yes, it was.

Sen. SANBORN: Did he agree to them?

Sen. DOWNING: Yes, he did.

Sen. SANBORN: I would like to say that I hope that the Senate will support this bill.

Adopted.      Ordered to third reading.

## HB 776

clarifying tax exemptions on real estate owned by the state.  
Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, this bill would make a municipality to place a real estate tax on real estate which is

owned by the state by the lease of a private individual or party. It does not effect the state park areas or that type of thing.

Adopted.      Ordered to third reading.

Sen. Downing moved that the rules of the Senate be so far suspended as to allow for an introduction of a committee report without previous notice in the Journal.

Adopted.

**HB 661**

providing for persons sixty-five years or older to apply for a tax lien on real estate.. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, this is permissive legislation permitting sixty five year old or older people to apply to the selectmen for a tax lien on their property in lieu of taxes.

Sen. JACOBSON: Is this permissive for the individual and mandatory for the selectmen?

Sen. DOWNING: That's correct.

Sen. BRADLEY: If this bill was enacted how would it be any different from the situation under existing law where the person simply doesn't pay his taxes?

Sen. DOWNING: The existing law would call for a tax sale at the end of two years and a day. This lien would go on and accumulate indefinitely as long as the individual was alive.

Sen. JACOBSON: I think that this bill says something about 85 percent of the assessed valuation. Is that correct?

Sen. DOWNING: That's correct.

Sen. JACOBSON: What happens after it reaches that 85 percent valuation?

Sen. DOWNING: There is a reassessing of the valuation.

Sen. LAMONTAGNE: Sen. Downing, is there a referendum to leaving it to the local people?

Sen. DOWNING: No.

Adopted.      Ordered to third reading.

Sen. Bossie moved that HB 871 be taken from the table.

Adopted.

**HB 871**

relative to the jurisdiction of the probate courts. Refer to Judicial Council. Sen. Bradley for the Committee.

Sen. Bradley moved that the words ought to pass be substituted for the committee report referred to Judicial Council.

Sen. BRADLEY: HB 871 is a bill which would allow the probate court to have the power to construe the meaning of a will at the beginning of the estate. It's a power which the probate court now has at the conclusion of the estate. The problem is with existing law that there are many decisions that have to be made at the early part of the estate in connection with the administration of the estate. Now you must drop the administration of the estate and go to the superior court to ask the superior court for the meaning of an ambiguous term in a will and then when you have that answer go back and start administering the estate. It leads to expense and delay. I feel that the probate courts are prepared to deal with this.

Adopted.      Ordered to third reading.

Sen. Bradley moved that HB 889 be taken from the table.

Adopted.

**HB 889**

providing means for settlement of disputes, between public school teachers and school districts or supervisory unions and for other purposes. Ought to pass with amendment. Sen. Bradley for the Committee.

Sen. Bradley moved that the following amendment be substituted for HB 889.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

**AN ACT**

relative to collective bargaining rights for public employees.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 273 the following new chapter:

Chapter 273-A

Collective Bargaining in Public Employment

273-A:1 Declaration of Policy and Purpose. The legislature of the state of New Hampshire declares that it is the public policy and purpose of this chapter to promote harmonious and cooperative relationships between public employers and their employees, and to protect the public generally by assuring at all times the orderly and uninterpreted operation of government. These policies are best effectuated by:

I. Acknowledging the rights of public employees to organize for the purpose of negotiating and bargaining collectively.

II. Acknowledging the duty of public employers and employees to negotiate in good faith with respect to salaries, wages, and other direct economic benefits, grievance procedures and such other procedures to be followed in dealing with the employment of public employees as the parties may mutually agree upon, providing the public employer retains the right:

(a) to direct the work of their employees;

(b) to hire, promote, demote, transfer, assign, and retain employees in positions within the public agency;

(c) to suspend or discharge employees for just cause;

(d) to maintain and strengthen the efficiency of governmental operations;

(e) to relieve employees from duties because of lack of work or for other legitimate reasons;

(f) to take actions as may be necessary to carry out the mission of the government; and

(g) to determine the methods, means and personnel by which operations are to be carried on.

III. Providing assistance through the state labor department and the department of education, as provided herein, to resolve disputes in certain instances between public employers and their employees; and

IV. Continuing the prohibition against strikes or work stoppages by public employees and providing penalties for violation of such prohibition.

273-A:2 Definitions.

I. The term "commissioner" means the commissioner of labor except when otherwise stated on matters pertaining to public education.

II. The term "public employee" means any employee of a political subdivision of the state of New Hampshire, except temporary and seasonal employees and elected or appointed officials or other persons in policy making or confidential positions, whose participation or activity in an employee organization would be incompatible with law or the duties of his position. Administrators and supervisors, while having the right to membership in any local, state or national employee organization, may not be included in the same bargaining unit which also includes persons who are in fact directed, evaluated, and supervised by such administrators and supervisors.

III. The term "public employer" means any political subdivision of the state, including, without limitation, any town, city, county, district, school board, local social service or welfare agency, municipal and quasi-public corporation, housing authority or municipal authority or municipal public agency established by law which employs five or more public employees, and any person or persons designated by the employer to act in its interest in dealing with employees.

IV. The term "bargaining unit" or "negotiating unit" shall mean the group of public employees who are in the employ of a public employer, who have a community of interest as a result of their employment, and who seek to be represented by an employee organization.

V. The term "employee organization" means any organization or union whose primary purpose is:

(a) to secure for its membership by means of collective bargaining the most advantageous contract terms;

(b) to represent its membership in the settlement of disputes and grievances and in the validation of rights set forth in written agreements.



VI. The term "exclusive representative" means the employee organization which has been certified by the commissioner as the representative of the majority of public employees in appropriate units.

VII. The term "budget submission date" shall mean the date by which, under law or practice, a district's proposed budget is to be submitted to the legislative or other similar body of the government, or to the city council in the case of a city, for final action. In the case of a district it shall mean the date of the annual meeting, and in the case of a supervisory union it shall mean the date of the earliest annual meeting of any district in the union. When any such district is governed by the municipal budget act, the "budget submission date" shall be the last date on which the committee can take effective action prior to the district meeting.

VIII. The term "direct economic benefits" shall mean benefits provided the employee such as group life insurance, health insurance, authorized leaves of absence and the number of working days provided in a contract.

IX. The term "strike" means the failure by concerted action with others to report for duty, the willful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, and without the lawful approval of one's superior, or in any manner interfering with the operation of government or any board, for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment.

#### 273-A:3 Right to Organize.

I. Public employees shall have the right, subject to the provisions of this chapter, to join, organize, assist or participate in any employee organization of their choosing, to request recognition for the purpose of negotiation and bargaining on a collective basis with public employers and to be represented by such employee organization in such negotiation or collective bargaining within the scope permitted by this chapter. Public employees shall also have the right to refrain from joining or participating in the activities of any such organization.

II. No public employer, nor its employees, shall interfere

with, restrain, coerce or attempt to interfere with, restrain or coerce any public employee with respect to joining or not joining any employee organization, or participating in the formation of such an organization, or discriminate against such employee by reason of such activity.

273-A:4 Prohibited Acts.

I. Public employers and their representatives and their agents are prohibited from:

(a) Restraining or coercing public employees in the exercise of the rights guaranteed under this chapter;

(b) Encouraging or discouraging membership in any employee organization by discrimination in regard to hiring or tenure of employment or any term or condition of employment;

(c) Discharging or otherwise discriminating against an employee because he has signed or filed any affidavit, petition or complaint or given any information or testimony under this chapter;

(d) Refusing to negotiate with the recognized employee organization pursuant to the provisions of this chapter.

II. Employee organizations and their agents, members or negotiators are prohibited from:

(a) Refusing to negotiate with public employers pursuant to the provisions of this chapter;

(b) Engaging in any action which is or would be in violation of any provision of an existing employment contract;

(c) Restraining, coercing or interfering with public employees in the exercise of rights provided under this chapter;

(d) Restraining, coercing or interfering with the public employer in the exercise of its legal powers or duties.

273-A:5 Recognition of Negotiating Agent or Bargaining Agent.

The employee organization selected by the public employees, as hereinafter provided, shall be recognized by the public employer as the sole and exclusive negotiating or bargaining agent for all the public employees in the bargaining unit which it purports to represent, unless and until recogni-

tion of such employee organization is withdrawn or changed by vote of the public employees in such unit after a duly conducted election held pursuant to the provisions of this chapter. The employee organization and public employer may designate a person or persons to negotiate or bargain in its behalf.

273-A:6 Acceptance of Bargaining Agent or Negotiating Agent.

I. An employee organization shall be accepted as the exclusive negotiating or bargaining agent by the public employer when the public employer is satisfied, on the basis of evidence presented, that a majority of the public employees in the bargaining unit have requested to be represented by the employee organization for the purpose of collective bargaining on their behalf; that the public employer may request the commissioner in writing to conduct an election whenever an employee organization requests recognition, or an employee organization may request the commissioner in writing to conduct an election whenever it can demonstrate to him that at least thirty percent of the public employees in the bargaining unit have signified in writing their desire to be represented by that employee organization.

II. Whenever the commissioner conducts an election, he shall within 15 days notify the public employer and all employee organizations involved in the election, of the results, certifying the name of the employee organization, if any, which has been selected by a majority of the public employees as the bargaining agent or negotiating agent.

III. The employee organization certified by the commissioner as a result of the election as representing a majority of the public employees in the bargaining unit, shall be recognized by the public employer as the exclusive negotiating or bargaining agent of such public employees in the bargaining unit with respect to any matters covered by this chapter. Upon written petition to the commissioner to intervene in any election, this petition to be signed by 25 percent of the public employees in the bargaining unit, indicating their desire to be represented by a different or competing employee organization, the name of the other organization shall be placed on the same ballot. No employee organization shall be certified or recognized unless the votes cast in favor of it represent a majority of all votes cast.

IV. After an employee organization has been recognized as the sole bargaining agent it shall remain the sole bargaining agent from year to year until it withdraws or until a new election is held resulting in its removal or displacement. Such subsequent election may be requested by the public employer or by at least thirty percent of the public employees in the bargaining unit.

V. Elections shall not be held more often than once in twenty-four months, and shall not be held during the sixty-day period prior to or the sixty-day period following the annual budget submission date of the district.

VI. In the event that an election is held in which more than one employee organization is included and no organization received the majority vote of those voting although such majority did not vote for "no representatives", the commissioner shall conduct a "run-off" election between the two organizations or one organization and "no representatives" whichever two alternatives received the largest plurality. Only one such "run-off" election shall be held.

#### 273-A:7 Conduct of Elections.

I. The commissioner shall prescribe by regulation the method of petitioning for an election, the manner, place and time of conducting such an election, and shall supervise all such elections to insure against interference, restraint, discrimination or coercion from any source. Complaints of interference, restraint, discrimination or coercion shall be heard and dealt with by the commissioner.

II. Any costs incident to such representation election shall be borne equally by the public employer and by the employee organizations whose names appear on the ballot.

III. The ballot used in the election shall include a space to indicate a choice of "no representatives" except in certain instances of "run-off" elections between employee organizations.

#### 273-A:8 Negotiations; Bargaining and Contract.

I. Any exclusive employee organization recognized by a public employer shall file a written request for negotiations at least one hundred and fifty days prior to the budget submission date.



II. The public employer, having recognized an employee organization shall within ten days of receipt of such notice commence negotiation with the representatives of such organization within the scope of negotiations set forth in this chapter.

III. It shall be the duty of both parties to negotiate and attempt to reach an agreement which shall be reduced to writing and signed by duly-authorized representatives of the parties.

IV. Such agreement may include a provision for membership dues deduction for members of the employee organization.

V. Nothing in this chapter shall be construed to require the appropriation of any money for any purpose and no agreement shall be effective except to the extent that money shall have been appropriated sufficient to carry out the terms thereof.

273-A:9 Unresolved Issues Submitted for Mediation or Fact Finding.

I. If the representatives of the employee organization and the public employer are unable to reach an agreement on a contract within sixty days after the date of their first meeting, either of them may request mediation upon any unresolved issues by a mediator from a list of persons supplied to the commissioner by a professional association of neutrals in the labor relations field. If the employees are public school teachers, the list will be supplied by the commissioner of education and in all other cases by the commissioner of labor. Costs of mediation shall be borne equally by both parties. If the mediation is not requested or if it is not successful, and if the parties still do not agree on all issues, after the expiration of seventy-five days from the first meeting, either party may request fact finding.

II. The procedure to be followed in case either party requests fact finding shall be as follows:

(a) The fact-finding board shall call a hearing within ten days after the appointment and shall give at least seven days notice in writing to the employee organization and the public employer, of the time and place of the meeting. The hearing shall be informal and the rules of evidence shall not be binding. Any documentary evidence and other data deemed relevant by the fact finder may be received in evidence. The fact finder will also have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, production of



books, records and other evidence relative or pertinent to the issues presented to them for determination. Both the employee organization and the public employer shall have the right to counsel at the hearing. The hearing shall be concluded within ten days, and within ten days thereafter the fact finder shall make written findings and a written opinion on the issues, copies of which shall be mailed to the participants. Within ten days after the report is filed, the parties shall meet and discuss the report and notify the fact finder whether or not the findings are accepted, and if they do not accept the findings, the fact finder shall publicize the findings of fact and recommendations. The parties shall then resume negotiation and bargaining based on the report, but such report shall not be binding on either party.

(b) Fees and necessary expenses of such fact finding shall be borne equally by the employee organization and by the public employer.

#### 273-A:10 Enforcement.

I. The county attorney for the county in which the public employer is located shall, upon complaint by either a public employer or employee organization that the other party is guilty of unlawful acts as defined in this chapter, institute proceedings for injunction. In the event that any order or decree entered by the court in such proceeding is violated, the county attorney shall institute contempt proceedings in support of the injunctive relief.

II. Any action at law or in equity which under the laws of New Hampshire may lie against any individual, corporation or association, shall also lie against any employee organization or other association which represents or seeks to represent any public employee under this chapter. Service of process on the employee organization or other association may be made on any agent or officer thereof.

273-A:11 Personal Rights of Employees. Nothing in the foregoing shall prevent any employee, regardless of membership in an employee organization, from bringing matters of personal concern to the attention of the public employer in accordance with applicable law, regulation or established policy.

273-A:12 Prerogatives of Public Employers. Nothing here-

in shall be construed as permitting public employers to bargain or negotiate on matters which would tend to delegate or abrogate the elective or legislative obligations vested in such boards by law.

273-A:13 Filing of Agreements. The parties shall file a copy of the agreement, or any amendments thereto with the commissioner not later than thirty days after.

273-A:14 Strikes Prohibited. A strike or work stoppage which would substantially disrupt the government service or would endanger the public health, safety or welfare of the citizens of the municipality or state, such action is illegal, and is prohibited. A public employer shall be entitled to injunctive relief in the appropriate superior court if a strike occurs in violation of the provisions of this section, and may be awarded costs and reasonable legal fees in addition at the discretion of the court.

273-A:15 Maintenance of Existing Contracts. Any provision of any collective bargaining agreement in existence on January 1, 1973 which is inconsistent with any provision of this chapter, but not otherwise illegal, shall continue valid until the expiration of such contract. Nothing herein shall be deemed to limit or modify written agreements in force at the effective date of this chapter. Any such agreement may be extended even though its terms continue to be inconsistent with the terms of this chapter, provided that the terms of such agreement shall not be amended to create any additional inconsistencies with the provisions of this chapter.

273-A:16 Severability. Should any provisions of this chapter be adjudicated invalid, the remainder shall remain valid.

2 Repeal. RSA 105-B relative to police organization is hereby repealed.

3 Effective Date. This act shall take effect July 1, 1973.

Sen. BRADLEY: You will recall the questions that have arisen with respect to HB 889 and SB 196. HB 889 on the House side dealt only with teachers and public school districts. The Education Committee of the Senate had earlier proposed to substitute in effect 196 for 889. This amendment that you have before you is another compromise in an attempt to strike

a balance between these two bills. I feel that this bill represents a very fair compromise between the conflicting interests of teachers and labor and school boards and municipalities. I would say that about 60% of SB 196 is kept in this bill and the remainder being in 889. This bill covers all of the employees. The provisions in HB 889 which were punitive in nature, are now the same as they would have been under SB 196.

Sen. S. SMITH: I rise in support of the amendment as offered by Sen. Bradley. The Education Association finds no complaints with this amendment, I think that this amendment is a fair compromise.

Sen. GREEN: I'd like to support Sen. Bradley's amendment to HB 889.

Sen. SPANOS: I rise in support of the amendment as offered by Sen. Bradley. I hope the House will go along with this as well.

Sen. GREEN: I would like to be recorded as being in favor with HB 889 as amended.

Amendment Adopted.      Ordered to third reading.

Sens. Spanos, Green, Blaisdell, Gardner and Foley wish to be recorded as voting for the amendment.

Sen. Spanos moved that HB 889 be placed on third reading and final passage at this time.

Adopted.

Third reading and final passage

HB 889, relative to collective bargaining rights for public employees.

Adopted.

Sen. Spanos moved reconsideration of HB 889.

Motion lost.

Sen. Bradley moved that we call HB 847 from the Governor's office.

Adopted.

Sen. Bradley moved that HB 847 be placed back on second

reading at this time and open to amendment and that it be amended in accordance with the amendment printed in today's calendar.

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### AN ACT

permitting inmates of county jails or house of correction to work at municipally owned recreational facilities or conservation projects.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Employment of Inmates. Amend RSA 651 (supp) as inserted by 1971, 518:1 by inserting after section 36 the following new subdivision:

#### Employment of County Jail or House of Correction Prisoners

651:36-a Work by Prisoners. The county commissioners of any county may make arrangements with officials of a city or town to work prisoners from the county jail or house of correction at municipally owned recreational facilities or conservation projects. Prisoners so worked from the county jail shall be in the custody of the sheriff of the county, and those from the house of correction shall be in the custody of the superintendent thereof.

2 Effective Date. This act shall take effect November 1, 1973.

Amendment Adopted.      Ordered to third reading.

#### ENROLLED BILLS REPORT

HB 54, relative to the passage of testate or intestate real and personal property to a surviving spouse and to other persons.

HB 182, providing for the perambulation of the New Hampshire-Massachusetts boundary line and funding the perambulation of the New Hampshire-Maine boundary line and making appropriations therefor.

HB 483, to provide for republishing or recompiling volume 3-A of Revised Statutes Annotated and making an appropriation therefor.

HB 484, to provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor.

HB 512, providing for overtime pay to state employees engaged in snow grooming and farming.

HB 763, relative to the authority of the director to close the season for hunting and taking deer.

HB 785, to require school districts not maintaining high schools to pay full tuition of its students who attend high schools in other districts.

HB 810, establishing a legislative facilities committee; and making an appropriation therefor.

HB 829, relative to doping and stimulating animals at equine events.

HB 928, relative to the sale of fresh water fish raised outside of the state.

HB 937, relative to abusive treatment of horses.

HB 988, establishing a third New Hampshire state song.

SB 150, relative to importing and releasing wild life.

SJR 17, establishing a committee to study the adequacy of laws relating to the confidentiality of the records of state agencies.

Sen. Provost  
*For The Committee*

#### HOUSE CONCURRENCE WITH AMENDMENT TO

HJR 43, relative to retirement credits for Clarence W. Metcalf, Floris H. Lanigan, Kenneth Lewis, Francis J. Donahue, John P. McGee, Willis S. Low, Thomas A. Bolton, and Lawrence E. Marchand.

Sen. Bossie moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles



of bills be the same as adopted, and that they be passed at the present time, and that when we adjourn we adjourn until tomorrow at 11:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

HB 617, pertaining to non-resident students at the University of New Hampshire.

HB 395, relative to consumer credit reports.

HB 975, relative to the use of recording devices in superior and district courts.

HB 887, relating to salaries of district court justices, and to fees in civil cases in district courts.

HB 939, relative to competitive bidding on purchases made by counties.

HB 801, relative to expenses of county investigatory committee.

HB 941, extending the appraisal period and the recapture of tax revenues under the current use assessment law.

HB 959, relative to investment of funds by treasurers of municipalities, counties, and school districts.

HB 720, relative to amending the RSA by deleting the word "poll" and substituting where applicable the word "resident."

HB 809, relative to the expenses of education in public institutions.

HB 900, relative to the method of calculating state grants for sewage disposal construction.

HJR 5, creating a special committee on an electronic roll call system for the House of Representatives and making an appropriation for the purchase and installation thereof; and making an appropriation for the refurbishing and repair of the senate chamber and adjacent areas.

HB 74, relative to regulation of the practice of pharmacy.

HB 678, establishing a committee to study rules and regulations promulgated by the welfare department as they are applied to day care centers.

HB 151, establishing a solid waste committee; providing for development of a solid waste disposal program and making an appropriation therefor.

HB 278, providing for overtime payment for the inspectors in the office of the state fire marshal.

HB 489, to make the police standards and training council a permanent state agency and making an appropriation therefor.

HB 272, increasing the sum paid for care of mentally ill persons in foster homes.

HB 388, relative to conducting aerial photographic surveys obtaining aerial photographs and making an appropriation therefor.

HB 390, providing for the care and treatment of children with end-stage kidney disease and making an appropriation therefor.

HB 299, to designate certain highways as bicycle trails and making an appropriation therefor.

HB 919, relative to the acquisition of a dam and water rights on the Winnepesaukee River by the water resources board.

HB 788, relative to a warranty bond for automobiles sold in this state.

HB 860, relative to the membership of the New Hampshire State Port Authority.

HB 865, providing for certain motor vehicle privileges free to permanent and totally disabled veterans.

HB 955, relative to the sale of liquor and alcoholic beverages by restaurant cocktail lounges.

HB 764, providing for a liquor license for passenger vessels.

HB 1016, which is an omnibus legalizing act legalizing cer-

tain town meetings of the towns of Andover, Conway, Hill, Lyndeborough, North Hampton, Pembroke, Sutton, and New Durham and of the school districts of Marlow, Pembroke and Colebrook and relative to the adoption of an optional fiscal year by Hillsborough county and validating certain proceedings of the Hillsborough county executive committee and Hillsborough county delegation.

HB 843, establishing a postsecondary education commission to absorb the coordinating board of advanced education and accreditation and the New Hampshire higher education facilities commission.

HB 917, relative to the revision of city charters.

HB 958, relative to the powers of executive committees of the county.

HB 649, authorizing tests on the bodies of certain motor vehicle accident fatalities to determine the content of alcohol in their blood.

HB 1037, to provide for the repeal of the law tending to prohibit hitchhiking.

HB 218, permitting the sale of sweepstake tickets and authorizing incentive awards to ticket sellers.

HB 254, specifying certain deductions which must be allowed proprietorships and partnerships in calculating the business profits tax.

HB 478, permitting the sale of tickets known as lucky seven at beano games sponsored by charitable organization subject to rules and regulations established by the sweepstakes commission and payment of a fifteen per cent tax.

HB 776, clarifying tax exemptions on real estate owned by the state.

HB 661, providing for persons sixty-five years or older to apply for a tax lien on real estate.

HB 775, relative to retail sales agreements.

HB 846, relative to the time of school district meetings in cooperative school districts.

HB 871, relative to the jurisdiction of the probate courts.

HB 847, permitting inmates of county jails or house of correction to work at municipally owned recreational facilities or conservation projects.

Adopted.

Sen. Preston moved Reconsideration of HB 776.

Motion lost.

Sen. Bradley moved Reconsideration of HB 395.

Motion lost.

Sen. Lamontagne moved Reconsideration of HB 865.

Motion lost.

Sen. PORTER: I would like to serve notice of Reconsideration on HB 1037.

Sen. Provost moved the Senate adjourn at 5:10 p.m.

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### *Wednesday, 20Jun73*

The Senate met at 11:00 a.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Dear Lord, we thank You for the opportunity to serve Your people.

Grant us this day the abilities to do all in our power to work together for the right within the confines of righteousness and truth.

Hear us, O Lord, and help us so to do! Amen.

Pledge of Allegiance was led by Reps. Spirou, Bednar, McManus and Boisvert.

## HOUSE MESSAGES

NONCONCURRENCE BY THE HOUSE AND  
REQUEST FOR A  
COMMITTEE OF CONFERENCE

HB 714, to define the offshore jurisdiction of the State and establishing a Marine Boundaries Commission. The House has appointed as members of said Committee of Conference on the part of the House of Representatives, Reps. G. Roberts, Chamberlin, R. Warren and Woodruff.

Sen. McLaughlin moved that we accede to the request of the House and set up a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. Porter, Foley and Preston.

## RECONSIDERATION

Sen. Jacobson moved notice of reconsideration on HB 828 and HB 893 at this time.

HOUSE NON-CONCURRENCE WITH  
AMENDMENT AND REQUEST A  
COMMITTEE OF CONFERENCE ON

HB 33, requiring poultry and meat slaughterhouses and processing plants to pay the cost of inspections conducted outside of regular business hours.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives Reps. Scamman, McLane, Duprey and W. Kidder.

On motion by Sen. McLaughlin the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee on the part of the Senate, Sens. McLaughlin, Preston and Sanborn.

HB 32, providing for qualification of bridge inspectors, making bridge inspection a prerequisite for application for bridge aid, and requiring state assistance in bridge inspection.



The Speaker has appointed as members of said committee of conference on the part of the House of Representatives Reps. Saggiotes, Saunders, A. Mann, and H. Parker.

On motion by Sen. Claveau the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee on the part of the Senate, Sens. Claveau, Sanborn and Poulsen.

HB 475, relative to fees payable to cities and towns where racing meets are held.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Belair, Cunningham, Seamans and Parr.

On motion by Sen. Downing the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee on the part of the Senate, Sens. Green, Downing and Blaisdell.

HB 640, authorizing the governor to enter into contracts with veterinary medical schools.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Lockhart, Lyons, Ferguson and Raymond.

On motion by Sen. McLaughlin the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee on the part of the Senate, Sens. McLaughlin, Gardner and Preston.

HB 292, providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Ken Spalding, Lawton, Gorman and Winkley.

On motion by Sen. Blaisdell the Senate voted to accede to the request for a Committee of Conference.

Adopted.

The Chair appointed as members to said committee, Sens. Blaisdell, Porter and Preston.

HJR 30, relative to the purchase of a fire truck for the city of Concord and making an appropriation therefor.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Hanson, Noble, Saggiotes and Saunders.

On motion by Sen. S. Smith the Senate voted to accede to the request of a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. R. Smith, Blaisdell and S. Smith.

HB 834, relative to allowing members of standing and interim committees mileage for attending meetings.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Cate, Conley, Newell and M. Richardson.

On motion by Sen. Blaisdell the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee, Sens. Johnson, Brown and Foley.

HB 438, relative to habitual offenders of the motor vehicle laws.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Nighswander, Buckley, Currier and H. Gwendolyn Jones.

On motion by Sen. S. Smith the Senate voted to accede to the request to a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. Bradley, Claveau and Bossie.

HB 703, to transfer or repeal all of title LVIII (crimes and offenses) except chapters 570-A, 571-B, and 585 and to rename the title.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps., Zachos, Frizzell, McManus and A. Stevens.

On motion by Sen. Bradley the Senate moved to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. Bradley, Bossie and Spanos.

#### HOUSE REQUEST CONCURRENCE WITH AMENDMENT TO

SB 195, relative to merging the sewer and water commissions of the town of Sunapee.

Sen. Jacobson moved that SB 195 be laid on the table.

Adopted.

Sen. Spanos moved that SB 195 be taken from the table.

Adopted.

SB 195, relative to merging the sewer and water commissions of the town of Sunapee.

Sen. Spanos moved that the Senate concur with the amendment offered by the house.

#### AMENDMENT

Amend 1901, 197:4-a as inserted by section 1 of the bill by striking out in line twenty-three the word "servants" and inserting in place thereof the following (other personnel), so that said section as amended shall read as follows:

197:4-a Water and Sewer Commission. The town of Sunapee is authorized and empowered to merge the water commission, established pursuant to 1901, 197:4, and the sewer commission, established at the annual meeting of said town held on March 10, 1970, into a single commission to be known as the water and sewer commission. The water and sewer commission

shall contract with individuals and corporations for supplying them with water or sewer privileges, and to make such contracts, and establish such regulations and tolls for the use of water and use of sewers as may from time to time be deemed proper. The management and control of said water and sewer commission shall be vested in a board of water and sewer commissioners consisting of seven citizens of the town of Sunapee. The members of said board shall be elected at the annual meeting of the town of Sunapee. Provided that at the annual town meeting to be held in 1974, three members shall be elected to hold office for three years, two members shall be elected to hold office for two years and two members shall be elected to hold office for one year, and each member shall hold office until his successor is elected and qualified. No such citizen shall hold office on the commission while holding office as a selectman. Any vacancy in said board shall be filled by the remaining members for the unexpired term. In case of the vacancy in the entire membership of the board the selectmen of the town shall fill said vacancies for the unexpired terms. Said board of water and sewer commissioners are hereby authorized and empowered to appoint and employ all necessary officers, agents and other personnel with such powers and duties as from time to time may be prescribed by said town.

Amendment Adopted.

### HOUSE CONCURRENCE

SJR 14, providing a supplemental appropriation for payment of counsel for indigent defendants.

SB 254, relating to temporary investment of excess reserves of savings banks in federal funds.

SB 176, relative to the use of the word organic and the certification of organic farm produce.

SB 189, authorizing fiduciaries to deposit securities in a central or regional depository.

SB 205, relative to retention of legal residence in spite of private or institutional confinement.

SB 220, to expand the scope of summary judgment proceedings.

SB 241, permitting the sale of alcoholic beverages in certain curling clubs.

SB 142, amending the Rochester city charter to provide that the mayor shall be a nonvoting member of the school board.

SB 201, enabling the Unitarian-Universalist Church of Portsmouth, New Hampshire and Peirce Memorial Universalist-Unitarian Church of Dover, New Hampshire to consolidate into one corporation named Unitarian-Universalist Church of Portsmouth, New Hampshire.

SB 251, requiring bicycle riders to obey the rules of the road.

SJR 15, establishing an interim committee to study RSA 79 and the performance of the yield tax.

HB 1015, transferring and repealing existing criminal statutes as proposed by the recodification committee, and making technical amendments to statutes so that they conform to the criminal code.

HB 574, relative to advanced registered nurse practitioners.

HB 830, clarifying the statutes on explosives.

HB 837, establishing the American and Canadian French cultural exchange commission.

HB 307, providing for the preservation of open space land by assessment at valuations based upon the current use thereof and by permitting discretionary easements of development rights; creating a current use advisory board and making an appropriation therefor.

HB 1044, relative to the purchase of handicapped-made products and services by the state.

HB 376, providing for a commission to study the state constitution in preparation for the 1974 constitutional convention.

HB 716, to codify the uniform partnership act and relative to the uniform gifts to minors act.

HB 948, relative to dog training and permits issued therefor.



## HOUSE NON-CONCURRENCE

SB 257, relative to regulation of refrigeration technicians.

SB 261, providing for the election of members to the county convention as a separate county office.

SB 210, to allow for an annual rate for municipal parking areas.

SB 21, regulating the liability of governmental units in actions to recover for bodily injury and has referred SB 21 to House and Senate Judiciary Committees for interim study.

HOUSE ADOPTION OF  
ENROLLED BILLS AMENDMENTS TO

HB 43, relative to controlling use of heating or agitating devices in the waters of this state.

HB 804, establishing the ward lines of the city of Franklin.

HB 701, rent escrow pending appeal in eviction proceeding.

## ENROLLED BILLS AMENDMENTS

HB 43, relative to controlling use of heating or agitating devices in the waters of this state.

Sen. R. Smith moved that the Senate concur with the amendment.

## AMENDMENT

Amend section 1 of the bill by striking out line two and inserting in place thereof the following:

section 32 the following subdivision:

Amend RSA 270:31, 32 and 33 as inserted by section 1 of the bill by renumbering said sections to read

270:33      270:34      and 270:35      respectively.

Amendment Adopted.

HB 701, relative to appeal bonds in eviction proceeding.

Sen. R. Smith moved that the Senate concur with the amendment.

## AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

## AN ACT

rent escrow pending appeal in eviction proceeding.

Amendment Adopted.

HB 1017, relative to hunting in special designated areas by certain disabled persons.

Sen. R. Smith moved that the Senate concur with the amendment.

## AMENDMENT

Amend section 1 of said bill by striking out line eleven and inserting in place thereof the following:

licensed under the provisions of this title to take deer, apply to the director, at least

Amendment Adopted.

HB 979, establishing the Portsmouth Union School District and giving such district independent fiscal and appropriating powers.

Sen. R. Smith moved that the Senate concur with the amendment.

## AMENDMENT

Amend section 4 of said bill by striking out the last two lines and inserting in place thereof the following:

provided six blank spaces for the election of members of the board of education, which may be used by the voters.

Amendment Adopted.

HOUSE ADOPTION OF  
ENROLLED BILLS AMENDMENTS TO

HB 618, increasing the commission on pari-mutuel pools at horse and harness races.

HB 418, providing additional cost of living retirement al-

lowances for certain retired state employees and policemen and making appropriations therefor.

HB 68, relative to weights and measures standards.

HB 578, relative to the duties of the division of welfare pertaining to child welfare.

HB 781, relative to embalmers, morticians and funeral directors.

HB 896, relative to health certificates for child-care agency personnel.

### ENROLLED BILLS AMENDMENT

HB 804, establishing the ward lines and providing for re-districting of the City of Franklin.

Sen. R. Smith moved the Senate concur with the amendment.

### AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

### AN ACT

establishing the ward lines of the city of Franklin.

Amendment Adopted.

### SUSPENSION OF RULES

Sen. Downing moved that the rules of the Senate be so far suspended as to allow for the introduction of a committee report without prior notice in the Journal.

Adopted.

### HB 800

relative to workmen's compensation to state employees and reimbursing the general fund by transfer of funds. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, this would merely allow the controller to charge a general fund for Workmen's Compensation. The money is there but the matter is moving it around.

Adopted.      Ordered to Finance.

Sen. McLaughlin moved that the rules of the Senate be so far suspended as to allow for the introduction of a committee report without prior notice in the Journal.

Adopted.

### **HB 577**

relative to child placing and the care of children. Ought to pass with amendment. Sen. McLaughlin for the Committee.

Amend the title of said bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

repealing certain provisions relative to cruelty to children at child-caring agencies.

Amend said bill by striking out section 1 and by renumbering sections 2 and 3 of said bill to read sections

1      and      2      .

Sen. MCLAUGHLIN: Mr. President, and members of the Senate, this bill originally had passed us and Legislative Services asked that we recall it because in the wording it was discovered that a section that was in this bill had already been repealed by the session a few weeks earlier. I recommend it go to Finance.

Amendment Adopted.      Ordered to third reading.

### **COMMITTEE REPORTS**

#### **HB 408**

providing for insurer notifications to employee under group or blanket accident and health insurance policy that premium is not remitted. Ought to pass with amendment Sen. Bossie for the Committee.

#### **AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### **AN ACT**

providing for notification to employee under group or blanket

accident and health insurance policy that premium is not remitted.

Amend the bill by striking out all after the enacting clause and in serting in place thereof the following:

1 Notification of Coverage Termination. Amend RSA 415:18, I (d), by striking out said paragraph and inserting in place thereof the following:

(d) A provision that all premiums due under the policy shall be remitted by the employer or employers of the persons insured or by some other designated person acting on behalf of the association or group insured, to the insurer on or before the due date thereof, with such grace as may be specified therein. If for any reason the employer or designated person acting on behalf of the group insured, does not remit the premium due, the insurer shall notify the employer or such designated person and the insurance commissioner, in writing, at least fifteen days before the expiration of the grace period, that coverage for the persons insured will terminate for non-payment of premiums. Such notification shall be by certified mail.

2 Employee Notification. Amend RSA 415:18 (supp), as amended, by inserting after paragraph VI the following new paragraph:

VII Any employer who enters into a contract with an insurer to provide a group or blanket policy of employee accident and health insurance shall notify all persons covered under such policy, within five days of receipt of a termination notice from the insurer, that coverage for such persons will terminate at a specified date, unless corrective measures are taken.

3 Action by Insurance Commissioner. Amend RSA 400-A by inserting after section 37 the following new section:

400-A:38 Notice of Termination of Group Accident and Health Coverage. Upon receipt of a notice of termination of a group or blanket policy of accident and health insurance as provided in RSA 415:18, I (d), the commissioner shall take such action as he deems appropriate to assure that employees who are covered under such policy have been notified by the employer of such employees that their coverage is about to be terminated.

4 Effective Date. This act shall take effect sixty days after its passage.



Sen. BOSSIE: The amendment to HB 408 provides that when a group insurance or health and accident insurance is not paid for by the employer or other persons designated by a group to pay for it at least fifteen days prior to the "grace period" of the insurance company they can notify the employer or other persons designated by certified mail. The employer then has the burden to notify each and every employee that his policy will be terminated as a result of non-payment. Also notice is given to the Insurance Commissioner who may take such action as he deems advisable. The Insurance Committee after considerable discussion have agreed on this amendment.

Amendment Adopted.      Ordered to third reading.

### HB 960

relative to interest rates allowable for credit buying. Inexpedient to legislate. Sen. Ferdinando for the Committee.

Sen. FERDINANDO: Mr. President, we had a lengthy hearing on this one. And the reason why we found that by lowering the interest rate from eighteen percent to twelve percent for credit would do a number of things. It would raise prices for people from five to seven percent. It would make cash customers help pay the price of credit. It would hurt people who pay cash. And it would prevent the people who needed it most from obtaining credit. The committee felt that instead of helping the little guy it was more likely to hurt him.

Adopted.

Sen. Jacobson and Spanos wish to be recorded as being opposed to the committee report recommendation and in favor of the bill.

Sen. Green wished to be recorded as being in favor of the committee report recommendation.

### HB 327

permitting various types of financial institutions in New Hampshire to organize and/or participate in service corporations. Ought to pass with amendemnt. Sen. Ferdinando for the Committee.

### AMENDMENT

Amend RSA 384:16-b, II, as inserted by section 1 of the

bill, by striking out the same and inserting in place thereof the following:

II. Provided however, that any contrary provision of law notwithstanding, no bank or banking association shall directly or indirectly engage in real estate brokerage activities; travel, lodging, accommodations or so called "travel bureau" activities (with the exception, however, of federally chartered banks or associations authorized by federal law or regulation to engage in such activities); the sale or servicing of policies of property or casualty insurance; insurance consulting activities or performance of any other activity as insurance agents or brokers requiring the issuance of a license pursuant to RSA 401 or RSA 405; nor shall any such bank or association directly or indirectly organize, purchase, participate in, invest in or utilize a, corporation or other entity engaged in the above named activities. Nothing contained herein, however, shall be deemed to restrict or prohibit bona fide loans by banks or banking associations to entities or organizations engaging in such activities.

Sen. FERDINANDO: What the amendment does is it limits the state chartered banks from engaging in either travel or lodging, real estate, insurance business and it forces banks to remain in the banking business.

Amendment Adopted.      Ordered to third reading.

### HB 633

relative to the maximum amounts of group life insurance for employees. Ought to pass with amendment. Sen. Ferdinando for the Committee.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Maximum Increased. Amend RSA 408:15, (1), (d) (supp), as amended, by striking out in line seven the word "eighty" and inserting in place thereof the following (one hundred) so that said subparagraph as amended shall read as follows:

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees. No policy may be

issued which provides insurance on any employee which together with any other insurance issued to such employee under any group life policy or policies issued to the employer or to the trustees of a fund established wholly or in part by the employer exceeds one hundred thousand dollars.

2 Union Policy Maximum. Amend RSA 408:15, (3), (d) (supp), as amended, by striking out in line six the word "eighty" and inserting in place thereof the following (one hundred) so that said subparagraph as amended shall read as follows:

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union. No policy may be issued which provides insurance on any union member which together with any other insurance issued to such member under any life insurance policies issued to the union exceeds one hundred thousand dollars.

3 Joint Employees and Employers Funds. Amend RSA 408:15 (4), (d) (supp), as amended, by striking out in line seven the word "eighty" and inserting in place thereof the following (one hundred) so that said subparagraph as amended shall read as follows:

(d) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions. No policy may be issued which provides insurance on any person which together with any other insurance issued to such person under any group life insurance policy or policies issued to the employers or any of them, or to the trustees of a fund established in whole or in part by the employers or any of them, exceeds one hundred thousand dollars.

4 Industrial Association Policies. Amend RSA 408:15, (5), (e) (supp), as amended, by striking out in line six the word "eighty" and inserting in place thereof the following (one hundred) so that said subparagraph as amended shall read as follows:

(e) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the members of the association. No policy may be issued which provides insurance on any employee

which together with any other insurance issued to such employee under any group life insurance policy or policies issued to the association exceeds one hundred thousand dollars. Annual compensation may be determined in units of any amount not exceeding one thousand dollars each, and a fraction of any such unit may be treated as full unit for purposes of determining annual compensation under this section. Nothing in this section shall be construed to prohibit the issue of a policy or policies to replace a policy which is terminated wholly or to replace the terminated portion of a policy which is terminated partially, if the effective date of issue of the new policy or policies is the same as the effective date of termination of the policy or portion of a policy replaced, and if the total amount of life insurance on any employee determined in accordance with the provisions of the new policy or policies, does not exceed the amount determined in accordance with the provisions of the policy or portion of a policy replaced.

5 Effective Date. This act shall take effect sixty days after its passage.

Sen. FERDINANDO: Mr. President, what this bill does is it limits group policies. Now you can buy a group policy up to \$80,000. The way the House passed the bill it can be increased up to \$150,000. The Senate amended the bill to \$100,000. The purpose behind limiting it to \$150,000 was to allow the life insurance agents throughout the state an opportunity to be able to sell some people some whole life policies.

Amendment Adopted.      Ordered to third reading.

Sen. Poulsen moved that HB 976 be laid on the table.

Adopted.

### HB 820

relative to limitations on the investment authority of building and loan associations, cooperative banks and savings and loans associations. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: This bill gives that group of banks, cooperative banks the right to invest 10% of their assets in stocks listed by the bank commissioner.

Adopted.      Ordered to third reading.

**HB 117**

relative to the qualification of municipal planning board members. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, HB 117 is relative to the qualification of municipal planning board members and as it came through the House amended it removes from the town the present prohibitions against town treasurer, tax collector, trustees of town departments or their deputies from serving on planning boards. Testimony was presented that this prohibition made it difficult to get good planning board members.

Adopted. Ordered to third reading.

**HB 348**

relative to notice of hearing by zoning board of adjustment. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, HB 348 pertains to the notice of hearing and the methods used. The cost of the advertising shall be paid by the person making the appeal.

Adopted. Ordered to third reading.

**HB 664**

amending the conservation commission enabling act and permitting town planning board members to serve on other municipal boards or commissions. Ought to pass. Sen. Johnson for the Committee.

Sen. JACOBSON: What HB 664 does is to give the Conservation Commission in the local community a shift in direction towards conserving and developing open space. The changes are relatively minor in terms of words but the changes are to give a new emphasis to what Conservation Commissions should be doing — and that is to preserve and protect rather than to develop.

Adopted. Ordered to third reading.

**HB 739**

relative to the selection of engineers and architects. Ought to pass with amendment. Sen. Preston for the Committee.

**AMENDMENT**

Amend RSA 8:32-a, II as inserted by section 1 of said bill



by striking out said paragraph and inserting in place thereof the following:

II. Each agency shall prepare a description of its procedures for procurement of architectural and engineering services. The agency head, for each proposed project, shall review and consider the current statements of qualifications and performance data and availability of not less than three firms. He shall for purposes of negotiation, arrange the firms deemed to be best qualified in order of preference as determined in accordance with the prescribed procedures of the agency.

Sen. PRESTON: Mr. President, this is relative to the selection of engineers and architects.

Amendment Adopted.      Ordered to third reading.

**HB 855**

delineating the duties of the clerk of the board of county commissioners. Inexpedient to legislate. Sen. Blaisdell for the Committee.

Sen. BLAISDELL: Mr. President, this was introduced by Representative Bednar and what it does is that it provides that full action may be taken by the county commissioners unless authority to do so appears in the minutes of their meeting authenticated by signatures of the clerk and copies of all communications received by the commission required by them shall be attached. The committee felt that this would be quite a problem for the county commissioners and they saw no need for this particular type of legislation.

Sen. CLAVEAU: Do you know whether the county clerk keeps the minutes?

Sen. BLAISDELL: Yes, he does.

Adopted.

**HB 857**

permitting public employees to enter into a deferred compensation plan and authorizing the purchase of insurance and annuity contract. Ought to pass with amendment.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

permitting public employees to enter into  
a deferred compensation plan.

Amend RSA 101-B:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

101-B:1 Authorization to Contract. The state or any county, city, town or other political subdivision may, by contract, agree with any employee to defer, in whole or in part, any portion of that employee's income and may subsequently purchase, or contract with any company licensed to do business in the state of New Hampshire and qualified in the opinion of the state treasurer to provide a tax deferred compensation plan as requested by the employee, such deferred compensation plan. It shall be a prior condition to the approval and utilization of any such deferred compensation program that a favorable advanced letter of right shall have been received from the United States Internal Revenue Service.

Amend RSA 101-B:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

101-B:5 Payment of Premiums. Notwithstanding any other provision of law to the contrary, those persons designated to administer the deferred compensation program are hereby authorized to invest monies held pursuant to such program in insurance, endowment, annuity or savings plans, or any other investment plan approved in the United States Internal Revenue Service ruling.

Amend RSA 101-B:7 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

101-B:7 Financial Liability of State, etc. The financial liability of the state, county, city, town or other political subdivision under a deferred compensation program shall be limited in each instance to the value of the particular fixed or variable life insurance or annuity contract or contracts purchased on behalf of any employee. No cost or contribution shall be required from the state except for the incidental expense of administering the payroll salary deduction.

Amend RSA 101-B as inserted by section 1 of the bill by inserting after section 7 the following new section:

101-B:8 Withholding Tax. Any sum contributed by an employee to a qualified plan shall not be included for purposes of computation of any federal income tax withheld on behalf of any employee, pursuant to an advanced ruling from the Internal Revenue Service of the form of the deferred compensation contract with the employee.

Sen. PRESTON: This act would permit public employees to enter into a deferred compensation plan and authorize the purchase of insurance and annuity contract.

Amendment Adopted.      Ordered to third reading.

**HB 874**

relative to procedure for towns, cities or counties to adopt fiscal year accounting and incurring debt during transition periods. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: What HB 874 does is to provide for a rate of adopting the procedure for handling a change from the calendar year to the fiscal year. At the present time the only procedure that is available is that procedure with respect to those towns under the municipal budget act in which the selectmen of the community along with a two-thirds vote of the budget committee may adopt the fiscal year. Now there are a number of towns who do not come under this act and this provides a procedure whereby they may change if they so wish. It is a town meeting requirement and this is what this bill does.

Adopted.      Ordered to third reading.

**HB 891**

relative to all county accounting reports. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this is a bill relative to all county accounting reports. This gives the county commissioners the right to look into the auditing of the county. It doesn't make it compulsory for the state tax commission to accept their report but they do have to acknowledge it.

Adopted.      Ordered to third reading.

**HB 506**

permitting village districts to be formed for purposes of impounding water. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, this bill allows village districts to be formed for the purposes of impounding water.

Adopted.      Ordered to third reading.

### HB 591

amending the Rochester city charter by increasing the size of the city council and the school board from twelve to fifteen elected members each, and providing for the election of three members each from each ward for two year terms. Ought to pass with amendment. Sen. Johnson for the Committee.

### AMENDMENT

Amend Sect. 20 as inserted by section 3 of the bill by striking out in line three the word "sixteen" and inserting in place thereof the following (fifteen), so that said section as amended shall read as follows:

Sect. 20 The general management and control of the public schools in said city, and of the buildings and property pertaining thereto, shall be vested in a school board consisting of fifteen members, their terms of office to commence the first weekday after January first next after their respective elections under this act, and who shall have the power and perform the duties, and be subject to the liabilities pertaining to the school boards of towns, except wherein a different intention appears; but all bills, notes and demands made or contracted for school purposes shall be paid from the city treasury.

Amend Sect. 21 as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

Sect. 21 At the municipal election to be held in November, 1975, three school board members shall be chosen by and from the qualified voters of each ward to serve a term of two years. A like number shall be chosen at each municipal election thereafter. The mayor shall be an ex-officio member of the school board and shall serve without a vote. The school board shall elect one of the voting members to act as chairman.

Sen. JOHNSON: Mr. President, this is a bill that would amend the Rochester city charter by increasing the size of the city council and the school board from twelve to fifteen elected members each, and providing for the election of three members each from each ward for two year terms.

Amendment Adopted.      Ordered to third reading.

**HB 802**

permitting the city of Franklin to suspend the verification of the checklist. Ought to pass with amendment. Sen. Jacobson for the Committee.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

**AN ACT**

permitting the city of Franklin to suspend the verification of the checklist and ratifying the verification and updating of the checklist by the city of Nashua.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Verification of Checklist by City of Nashua Ratified. Notwithstanding the provisions of RSA 69:26-a, I and 1972, 33, the verification of the checklist of the city of Nashua which was done in 1971 and which verification was updated in 1972 following the dedistricting of such city is hereby ratified and confirmed, and the city of Nashua shall not be required to verify their checklist until 1981 and every ten years thereafter, provided however that the city of Nashua shall comply with all other requirements of RSA 69:26-a.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. JACOBSON: Mr. President, HB 802 as you recall, was originally passed in Durham and it provided for the suspension of the verification of the checklist with regard to Franklin because they wanted to do redistricting. Afterwards several Senators asked me to recall the bill and place an amendment on it with regards to Nashua which the Senate did. We heard the amendment yesterday and inasmuch as Nashua has already done its redistricting and has already done its verification, what it does is exempt it from doing it in 1973 so that the next time it will do it is in 1981.

Sen. BOSSIE: When did the City of Nashua do this?



Sen. JACOBSON: In 1971 or 1972 I believe.

Amendment Adopted.      Ordered to third reading.

**HB 859**

legalizing the annual town meeting of the town of Wolfeboro. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, HB 859 legalizes the town meeting in the town of Wolfeboro. Apparently one of the officials in this town thought that they were still on the second Tuesday for the town meeting. So the reports for the newspapers were three days late.

Adopted.      Ordered to third reading.

**HB 898**

relative to the authority, right and terms of office of appointed chiefs of police. Ought to pass with amendment. Sen. Blaisdell for the Committee.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

**AN ACT**

relative to the authority and right of appointed chiefs of police.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Police Chiefs; Powers and Duties. Amend RSA 105 by inserting after section 2 the following new section:

105:2-a Police Chiefs; Powers; Dismissal. Subject to such written formal policies as may be adopted by the appointing authority, each chief of police, superintendent of police or city marshal of any city or town who is appointed rather than elected, shall have authority to direct and control all employees of his department in their normal course of duty and shall be responsible for the efficient and economical use of all department equipment. Such chief, superintendent or city marshal shall be subject to suspension without pay or dismissal only for cause, and after he has been presented with a written specification of the reasons. Upon such suspension or dismissal, he shall be entitled to a hearing, on the merits and reasonableness of

the action, in superior court in the county in which the municipality is located, provided that he petitions the clerk of the superior court for such a hearing within ten days of his suspension or dismissal. The court shall have the power to affirm, modify or negate such suspension or dismissal, based upon its findings.

2 Effective Date. This act shall take effect sixty days after its passage.

Sen. BLAISDELL: Mr. President, HB 898 is an act relative to the authority, right and terms of office of appointed chiefs of police. This bill delineates some of the powers and duties of appointed police chiefs and it establishes an appeal procedure to the superior court if he is suspended without pay or dismissed.

Amendment Adopted.      Ordered to third reading.

Sens. Gardner and Blaisdell wish to be recorded as being in favor of the bill.

#### **HB 1045**

permitting the city of Dover to draw water from the Isinglass River in the city of Rochester. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, HB 1045 is a bill that would permit the City of Dover to draw water from the Isinglass River in the City of Rochester.

Adopted.      Ordered to third reading.

### **RECESS**

### **OUT OF RECESS**

Sen. Poulsen moved that HB 976 be taken from the table.

Adopted.

#### **HB 976**

relating to savings bank investments in mobile home loans. Ought to pass with amendment.

### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

relating to savings bank investments in mobile home loans and motor home loans.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Motor Home Loans. Amend RSA 387:5 by inserting after paragraph III-c the following new paragraph:

III-d. Loans incurred for the purpose of motor home financing where the motor home is taken as security, such loan on a new motor home shall not exceed fifteen thousand dollars and shall be repayable in regular monthly installments within a period of seven years; and such loan on a used motor home shall not exceed seven thousand five hundred dollars and shall be repayable in regular monthly installments within a period of five years. Further provided, however, no motor home unit loan shall exceed seventy-five percent of the fair retail value, except that with dealer recourse such loan may not exceed eighty-five percent of the fair retail value of the motor home unit. Any loan on the security of a motor home shall comply with and be subject to the provisions of RSA 361-A, if applicable.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. POULSEN: The amendment on this bill has to do with the mortgage on motor homes as opposed to mobile homes.

Amendment adopted. Ordered to third reading.

## SUSPENSION OF RULES

Sen. Spanos moved that the rules of the Senate be so far suspended as to allow for the introduction of a committee report without previous notice in the Journal.

Adopted.

## HB 470

establishing a New Hampshire Housing Commission and making an appropriation therefor. Ought to pass. Sen. Spanos for the Committee.

Sen. SPANOS: Mr. President, we've already discussed the

merits of this case earlier and it was sent to Finance and Finance found no objections with it. It takes into consideration that a human right has the right to shelter.

Adopted.

Sen. Spanos moved that the rules of the Senate be so far suspended as to place HB 470 on third reading and final passage at this time.

Adopted.

Third reading and final passage

HB 470, establishing a New Hampshire Housing Commission and making an appropriation therefor.

Adopted.

Sen. Spanos moved reconsideration of HB 470 at this time.

Motion lost.

Sen. Foley moved that the rules of the Senate be so far suspended as to allow for the introduction of a committee report without previous notice in the Journal.

Adopted.

#### **HB 539**

establishing civil procedures relating to the admission and treatment of the mentally ill and making an appropriation therefor. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: Mr. President, this establishes civil procedures relating to the treatment of the mentally ill and making an appropriation that would enable the New Hampshire Hospital to retain its accreditation and it will insure that civilly committed patients resume their economic and emotional independence as soon as possible.

Adopted.      Ordered to third reading.

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to allow for the introduction of a committee report without previous notice in the Journal.

Adopted.

#### **HB 897**

relative to the board and care of persons committed to the

Laconia State school and training center, the New Hampshire hospital or the New Hampshire Home for the Elderly. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, this is a very interesting piece of legislation. This bill would cut off the payments that a parent or guardian would have to pay support for a child in the state school after a period of ten years. After that time the relative would no longer be responsible. It also changes to some extent the amount of time for which you are liable out of your estate, that they can collect for the payment of daily charges at these institutions. They have gone through a lot of calculations and they still retain the right to collect from the person himself who may have a social security fund.

Adopted.      Ordered to third reading.

### ENROLLED BILLS REPORT

HB 618, increasing the commission on pari-mutuel pools at horse and harness races.

HB 764, providing for a liquor license for passenger vessels.

HJR 43, relative to retirement credits for Clarence W. Metcalf, Floris H. Lanigan, Kenneth Lewis, Francis J. Donahue, John P. McGee, Willis S. Low, Thomas A. Bolton and Lawrence E. Marchand.

Sen. Provost  
*For The Committee*

### ENROLLED BILLS AMENDMENT

HB 505, to delete the position of warden and deputy warden of the state prison from the list of positions which are entitled to maintenance and to increase the statutory salary for each of these positions.

### AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Maintenance. Amend RSA 94:5 (supp) as amended by 1973, 6:6 and 10:5 by striking out said section and inserting in place thereof the following:



## 94:5 Maintenance.

I. The following positions shall carry with them maintenance:

## (a) at the New Hampshire hospital

- (1) superintendent
- (2) assistant superintendent for professional services
- (3) assistant superintendent
- (4) director of clinical services
- (5) director of clinical and surgical services
- (6) director of psychiatric education and research
- (7) director of out-patient services
- (8) director of correctional psychiatry;

## (b) at the New Hampshire youth development center

- (1) superintendent
- (2) deputy superintendent;

## (c) at the Laconia state school and training center

- (1) superintendent
- (2) deputy superintendent;

## (d) at the New Hampshire home for the elderly

- (1) superintendent

## (e) at the New Hampshire veteran's home

- (1) commandant

II. Maintenance for the above positions shall consist only of the use of a furnished house or apartment located on the institution grounds and the following utilities; heat, gas, electricity, water and one institution extension phone to be used only for official state purposes.

III. No other unclassified state employee, except those specified in this section, shall receive any maintenance or payment in lieu thereof, provided however, that if quarters are available at any state institution or any state property, the department head thereof may assign to an unclassified employee such quarters, furnished or unfurnished, including any or all of the following utilities; heat, fuel, gas, electricity, and water, and provided further that a department head of a state agency which serves meals may permit any unclassified employee to

purchase such meals. Any employee to whom such quarters have been assigned or who has been authorized to purchase such meals shall reimburse the state for such quarters or meals at a rate to be determined by the governor and council.

Sen. R. Smith moved that the Senate concur with the amendment offered by the Enrolled bills committee.

Amendment Adopted.

### COMMITTEE REPORTS (Continued)

#### HB 727

establishing a department of finance and making an appropriation therefor. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: HB 727 is a revised replica of the far bill. The basic reason why I am in favor of this bill, even though it is not perfect, is that it does provide a mechanism whereby the Governor of this state can say I want to have an accounting system that is consistent throughout every department in the state and that everything will be run on a logical basis.

Sen. JACOBSON: With regards to your last remark, who shall appoint the first commissioner?

Sen. TROWBRIDGE: There is a group to establish that.

Sen. JACOBSON: Could you explain the rationale for doing that?

Sen. TROWBRIDGE: I happened to have been with the Senate President and the Speaker of the House when we discussed it and there was some question in the House as to how the appointment was to be made and as I understand it the Governor said, well if that's what's holding up the bill we will have a commission do this, so long as I have final say on Governor and Council approval of the nominee that they send forth.

Sen. JACOBSON: As I understand it now then, this group of seven people will provide a nomination and the Governor and Council can accept or reject the nomination?

Sen. TROWBRIDGE: Yes.

Sen. JACOBSON: Then this group acts as an advisory board and does not have the final say?

Sen. TROWBRIDGE: Precisely.

Sen. JACOBSON: What happens to the controllers post now?

Sen. TROWBRIDGE: It remains available or if the controller wishes to remain he may.

Sen. NIXON: Mr. President, I rise in support of the amendment and the committee report with respect to HB 727, I'd like to state inasmuch as I was present that HB 727 was originally suggested as a concept by the Governor who was concerned then, as was the Speaker of the House and myself, about the fact that the state books were out of balance not only for fiscal 1972 but for 1971. This led to a concept which was the Governor's originally to combine the various state departments having to do with revenue fiscal affairs, finance and the administration of those matters and the treasurer's department in one.

The bill entered the legislative process and it soon became apparent the House Members were concerned about the identity of the first commissioner. I don't know so much that they suspected it was a certain person or whether they didn't feel it it should be left to the Governor or the leadership. But in any event it was the Governor who first suggested that the identity of the first commissioner be selected solely by the legislature or by a legislative committee. It was his idea in the first instance. It was an idea that I felt was unnecessary and probably bad and I told him so in front of the Speaker.

Thereafter, the idea that he had in that respect was to defer the selection process. This idea was communicated to the subcommittee which was working on the bill. They incorporated his suggestion into their redraft or amendment to the bill, in regards to the nomination of the first commissioner.

Then it reached the House floor and all of a sudden the Governor having been made aware of the amendments and the selection, as suggested by him all along, all of a sudden there were newspaper stories and statements completely false indicating that the Governor had "been stabbed in the back." There was no grounds at all for these claims and assertions and I so advised the Governor and he said that he would make a

statement correcting the situation and I note that this past weekend at a commencement address that he did state that he was the first one to suggest that the nomination of the first commissioner be made by a legislative committee.

So I would be glad to correct that record here in the Senate and I'm glad that the Governor has corrected the irresponsible statements made by some members of the House in this respect and the press. There was no stab in the back.

Sen. TROWBRIDGE: Sen. Nixon, I'd like to ask you, did you realize that in the budget that proposal that we've been making that we have to put in an extra \$25,000 for accountants fees to close fiscal year 1972?

Sen. NIXON: Yes I was aware and there were additional monies that I think the Governor will expend out of the Governor's contingency fund, to hire accountants to do fiscal 1971. And due to lack of uniformity in our fiscal system they've spent something in the vicinity of \$50,000 needlessly just to balance the books for prior fiscal years.

Sen. SPANOS: I rise in support of this bill. I think I would have had had some problems with it had it been of the original nature as it was suggested by members of the Senate and the House. In view of the fact that there has been a significant change in attitude and it is limited to one particular area, I can subscribe to this bill.

Sen. S. SMITH: Senator Trowbridge, under 813-A dealing with data processing the last phrase, "the system of central state accounting records," my question is, does this phrase envision the possibility of the new department going out and hiring and using private firms in the area of data processing? Or does it mean that they will use entirely data processing services offered to the Department of centralized data processing?

Sen. TROWBRIDGE: I think the emphasis is on the words "available equipment" as well. I know that the intent here is simply to make sure that whoever is the commissioner of this new department, he will take advantage of the centralized data processing equipment already owned or leased by the state instead of not taking advantage of it.

Adopted.      Ordered to third reading.

**HB 778**

establishing a joint committee on legislative management and making an appropriation therefor. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President what this bill does is to establish for the legislature a committee of leadership of the House to set up and run the legislature in between the sessions. There is a small appropriation of \$50,000 which the committee approved and I hope that the Senate will go along with it.

Sen. Sanborn moved that HB 778 be laid on the table.

Adopted.

**HB 748**

relative to the definition of accidents for the rating of insurance policies. Ought to pass with amendment. Sen. Ferdinando for the Committee.

**AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Motor Vehicle Accidents. Amend RSA 412:18-c (supp) as inserted by 1971, 453:2 by striking out said section and inserting in place thereof the following:

412-C Definition. Accident as defined in any automobile insurance rate manual shall mean only an occurrence which results in death, personal injury causing loss in excess of fifty dollars, or damage to any property in excess of three hundred dollars, but shall not include an occurrence involving only personal injury or property damage to the applicant or any operator of the automobile currently a resident in the same household, unless the said applicant or operator is convicted of a moving motor vehicle violation in connection with the occurrence.

Sen. FERDINANDO: Mr. President, HB 748, the way the bill passed the House, it would have prohibited any charges on accidents for anyone unless they had a violation or went to court. Initially we had reported this bill as being inexpedient to legislate but after discussing this with Senator Downing and two or three in the area, there concern was to protect the one car accidents so if the person has an accident and he's not involved with anyone else he will not be charged.



Sen. LAMONTAGNE: Senator, during the day your car spins around and you put on your brakes and you spin into me then this would be a chargeable or nonchargeable crime and would this increase the rates of my insurance?

Sen. FERDINANDO: It would go up unless it was proven that the accident was completely the other guy's fault.

Sen. JACOBSON: As I understand the amendment if there has not been \$50 worth of personal injury or \$300 dollars worth of damage in a collision between two or more cars that will not be a chargeable accident?

Sen. FERDINANDO: That's correct.

Sen. JACOBSON: There will not be a surcharge if there is only a single car accident and no motor violation has been charged?

Sen. FERDINANDO: That's what the amendment does.

Sen. LAMONTAGNE: Mr. President and members of the Senate I rise in opposition to the amendment because as far as I'm concerned I buy an insurance policy for the purpose of buying protection in case I do have an accident, but at the same time if the accident had occurred and I had been convicted by the court for it, what then is the use of buying an insurance policy for protection and paying a premium if you're not going to be protected?

Sen. FERDINANDO: Do you realize that if we don't pass the bill with the amendment that all the good drivers will have their premiums go up?

Sen. LAMONTAGNE: That's the reason we buy insurance.

Sen. FERDINANDO: In other words what you would like to do is see the rates for all the good drivers to go up and the guy who causes the accident will receive no charge?

Sen. LAMONTAGNE: I'm saying that I favor charging those who have been convicted by the court but the others who have not been convicted and have no charges against them then they should be treated equal.

Sen. CLAVEAU: I rise in support of Sen. Lamontagne.

Amendment Adopted.      Ordered to third reading.

Sen. Sanborn moved that HB 778 be taken from the table.

Adopted.

### **HB 778**

establishing a joint committee on legislative management and making an appropriation therefor. Ought to pass. Sen. Sanborn for the Committee.

Sen. SANBORN: Mr. President what this bill does is establish a ten member committee of the House and Senate with five from each who will maintain the legislative policies between our regular sessions. The membership of the committee consisted of the President of the Senate, the Majority Leader of the Senate and the Minority Leader of the Senate and the Chairman of Senate Finance and the Speaker of the House, the Minority Leader of the House, the Chairman of the House Appropriations committee and representatives from the minority party. The chairmanship of this committee shall be on a rotating basis, between the President of the Senate and the Speaker of the House.

Sen. JACOBSON: While reading through HB 778 I find that the general court does not approve any of the salaries and other expenses. They are done by the committee and they have complete power. Is that correct?

Sen. SANBORN: That's correct.

Sen. FERDINANDO: My understanding was that the \$36,000 for personnel services. Is this going to be decided by the leadership as to how they will spend this?

Sen. SANBORN: This \$36,000 goes for the executive secretary and clerical help.

Sen. FERDINANDO: Is this clerical help going to prevail for all the Senators?

Sen. SANBORN: As I understand it right now we have many interim committees that will be established and this will provide that a clerk may be obtained for their use.

Sen. BOSSIE: How many members of the minority party are to be included in this?

Sen. LAMONTAGNE: As I remember correctly, two out of five senators and the same with the House.

Sen. PRESTON: If we vote for this bill today aren't we in effect condoning the money they spend for whatever actions that they take and have implemented in the budget the next biennium?

Sen. SANBORN: Their budget is for this biennium.

Sen. PRESTON: Is it not true that some of the recommendations that they could make could cost sums of money which we today are not appropriating?

Sen. SANBORN: It's up to the general court to approve this.

Sen. PRESTON: As I understand this bill was to give the authority to establish this. Am I correct?

Sen. SANBORN: I don't understand your question.

Sen. TROWBRIDGE: Senator right now without HB 778, there is an interim thing called the fiscal committee of the House and Senate and there is also a legislative services committee of the House and Senate which does exactly what this joint legislative management committee would do now with respect to what you are speaking of. You have to work within the legislative budget that is in the budget bill. What we are really saying here is that you are setting up a department head for the legislature. We are saying that the leadership of the House and Senate can get together and then say to the director that we want equal amounts paid to all doorkeepers and staff and aides.

Sen. PRESTON: Is the House relinquishing any of its authority for the approval of this expense?

Sen. TROWBRIDGE: Not one iota.

Sen. PRESTON: So in effect when seeking approval of whatever action you might take as a group that there is no final acquisition after effect by the body.

Sen. TROWBRIDGE: If we've gone over our Senate appropriation then we have to come in for a deficit appropriation. And at that point you can say no we won't do it.

Sen. JACOBSON: As I read the bill you can establish all salaries and expenses without reference to or approval of the general court except for the single budgetary item. Is that correct?

Sen. TROWBRIDGE: Only within pertinent appropriations.

Sen. JACOBSON: But Senator you are also giving power to approve all transfers?

Sen. TROWBRIDGE: Those have to go to the Fiscal Committee and that's what happens right now.

Sen. JACOBSON: But the Fiscal Committee did not originally approve salaries of aides and other employees of the legislature?

Sen. TROWBRIDGE: Yes, they did.

Sen. JACOBSON: As I remember in the last session the Finance Committee approved salaries and we had quite a discussion on it.

Sen. TROWBRIDGE: The Finance Committee does have the first go but it goes into the Fiscal Committee which is joint.

Sen. JACOBSON: On page 8 all of the present statutory limitations such as Senate Clerk and Assistant Senate Clerk and assistant clerks and incidentals are all repealed, which in effect gives this joint committee complete power to set the salary at any figure for any of these personnel to allow any expenses and to allow any amount of mileage.

Sen. TROWBRIDGE: The old ones were all inconsistent with each other as you will recall. We went through this to find the inconsistencies.

Sen. JACOBSON: Mr. President, I rise in opposition to HB 778 on the grounds that first of all it takes away basic power from the general court and transfers it to a joint committee. We presently have a Legislative Services committee which has general oversight over these problems and I don't know whether it has functioned well or not, but there are a number of areas which extend the financial power of this joint committee with respect to salaries. Under this bill it would be possible to hire a clerk of the Senate at \$50,000, or \$100,000 or \$10,000; there are no limitations. At present there is a \$60 a day limitation. As I recall the question on the joint committee was for the establishment of a definitive salary both for the clerk of the House or I don't ever recall any discussion about eliminating a defined salary. The question of fringe benefits is left wide open.

No one knows what the fringe benefits might be. Technically you could provide people with Cadillac cars. The executive director could get a Cadillac out of this particular statute as it is. You can receive grants and use them and spend them in any way that you want to. There is full freedom in regard to purchases. It provides for the employment of personnel without limitation. I don't think that there's any department in the state that has all of these possibilities available to them and therefore I think that this bill should be referred to further study and brought back with a bill that would maintain the power of the court over its own fiscal activities.

Sen. NIXON: Mr. President, and members of the Senate, I rise in support of HB 778 as reported out by the Senate Finance Committee, as reported out by the House Appropriations Committee, as reported out by the House Committee on Executive Departments and Administration. I'm taken back to hear all the detailed questioning in respect to the merits of this bill. The bill was worked on by the ablest minds in the legislative process, and the bill represents nothing more or less than an attempt on the part of the legislative branch to better equalize its situation in respect to the other branches of government. This is also to provide the facilities, staff and personnel and programs if you will, in the preparation for the legislative branch in order to do the jobs that the voters elect us to do. Senators on both sides of the political wall of all learnings have one time or another come to me and said, why can't we have more staff, and why don't we have more secretaries, why don't we have more rooms and facilities to do the work that the voters expect of us?

One reason why we don't have all these things is that we have no interim staff, or interim organizational structure to provide these simple minimal tools of operation so essential to process. And that is the simple reason and justification to HB 778. I am somewhat mystified to hear any member of the legislature raising doubts about the purposes or the validity and trust of the legislative process in respect to the joint legislative management committee. We are after all a government by representation and each of us represent 30,000 people and everything we do and say should be offered to some kind of a referendum to thirty thousand people.

Or by the same token I ask you would it be at all feasible



to subject every decision to the joint legislative management committee which is self elected by this body to the entire legislative body? If you want efficiency in the process and if you want the legislature to be effective in the process, if you want facilities then I would suggest that you support HB 778. I suggest to you that the question before you in this bill is whether or not you approve of taking some minimal steps forward in terms of modernizing the legislative process or whether or not you prefer to stay where you are now. This should not continue to be a sad fact of life. The legislature is unwilling because of some petty differences in life or some unfair suggestions that someone is trying to take over and establish a committee that is unresponsive to the legislature itself.

Sen. PRESTON: I just want to say Mr. President, that I concur with almost everything that President Nixon said. I'm not questioning the status of any member of that committee, I don't think that they all should, as a small businessman, proceed to go about something with an almost blank check. I think that the concept is good and much needed but the other idea is not.

Sen. JACOBSON: Mr. President, I would like to say that with respect to what Senator Nixon said, I do not question the concept, I know we need secretaries etc., but I earnestly believe that we can get these with some modification of the present situation without the Senate and its members giving up their right to have a say in what happens. At the present time, the only time that if this is to be adopted, the only day we have is on that one budgetary item in the budget. The rest is left to the joint committee on legislative management. I'd like to say further that part of our problem this year relates not to statutes but to the question of administration of the statutes. We've had more staff in all areas than we have ever had before and we've had more problems. Now I don't know whether this will better it or not, but certainly we have had one of the most difficult sessions, more difficult than any of the other two sessions I've been in.

Sen. NIXON: I'm very sorry to hear at this late stage in the session that this has been the most poorly administered session of the Senate, that we have had too much staff that has not been administered properly. Now this type of complaint has not been registered with me and so I guess what we are doing in

talking about HB 778 is deciding each one of us by our vote whether or not the administration of this Senate has attempted to be fair in terms of appointments, facilities, and personnel or has not been fair or effective. I would only hope that the record that I have made with this Senate during my administration in respect to such a recent thing as the appointments during the interim have been such that you would understand the same feeling and attitudes go into my support of HB 778 and if you do so I hope that you will support this bill. If you believe as Sen. Jacobson has suggested that the administration has been somewhat inefficient in the way it has carried on its responsibilities during this session then you would supposedly vote with Sen. Jacobson and against the bill.

Sen. DOWNING: Sen. Nixon, there seems to be some question as to the cost of HB 778. Is there a cost figure to it?

Sen. NIXON: The cost is \$50,000 which is substantially less than the study group during the interim recommended for the efficient operation in terms of staff and legislature.

Sen. DOWNING: I don't understand then the questions relating to blank check if the budget is set.

Sen. NIXON: I don't understand those questions either Senator because as far as I'm concerned I feel all these people are accountable to the House and Senate and there is a ceiling on what can be spent. Suggestions that this money would buy Cadillacs for anybody are ridiculous suggestions.

Sen. JACOBSON: Senator, the \$50,000 is only the appropriation under this bill. Is that not correct?

Sen. NIXON: That's correct.

Sen. JACOBSON: But the total appropriation which this joint management committee is in charge of is considerably greater than that because it is in HB 888. Is that not correct?

Sen. NIXON: The operating budget bill. You are correct. But the appropriation of this bill is in the bill itself HB 778. That is also in HB 888 so there is no way people can talk about blank checks or Cadillacs.

Sen. JACOBSON: Senator the \$50,000 that you are speaking of only relates to the salary of the executive director, which is some \$36,000 for the biennium as I understand it, plus other initial expenses.

Sen. NIXON: Yes, \$18,000 per year.

Sen. TROWBRIDGE: I'd like to say that the Director's salary is not \$36,000 that is the total personnel services under the bill.

Adopted.      Ordered to third reading.

Sens. Jacobson, Poulsen, Preston, Gardner, Bossie and Brown wish to be recorded as being against the bill.

### SUSPENSION OF RULES

Sen. Nixon moved that the rules of the Senate be so far suspended as to place HB 727 on third reading and final passage at this time.

Adopted.

Third reading and final passage

HB 727, establishing a department of finance and making an appropriation therefor.

Adopted.

Sen. Nixon moved reconsideration of HB 727 at this time.

Motion lost.

Sen. Nixon moved that the rules of the Senate be so far suspended as to place HB 778 on third reading and final passage at this time.

Adopted.

Third reading and final passage

HB 778, establishing a joint committee on legislative management and making an appropriation therefor.

Adopted.

Sen. Nixon moved reconsideration of HB 778 at this time.

Motion lost.

### HB 607

limiting the right to suit and guaranteeing compensation for medical expenses and lost wages to persons involved in motor vehicle accidents. Ought to pass with amendment. Sen. Ferdinando for the Committee.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place there of the following:

## AN ACT

relative to motor vehicle insurance and guaranteeing compensation for medical expenses and lost wages.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 407-B the following new chapter:

## Chapter 407-C

## Motor Vehicle Insurance Required Primary Coverage

407-C:1 Definitions. For the purposes of this chapter, the following words, unless the context requires otherwise or a different meaning is specifically prescribed, shall have the following meanings:

I. "Motor vehicle" means every self-propelled vehicle designed primarily for the transportation of persons or property and for use upon a highway, including trailers and semi-trailers designed for use with such vehicles. This term does not include motorcycles, motor scooters having but two or three wheels in contact with the ground, mini-bikes, so-called, or any bicycle with motor attached, snowmobiles and all terrain vehicles, nor any vehicles not designed or used primarily for the transportation of persons or property and only incidently moved or operated upon a highway.

II. "Names insured" means an individual, corporation or partnership identified in a policy by name as the insured under such policy.

III. "Members of his family in his household", when used with respect to any person, means a relative of any degree by blood, marriage or adoption, who usually makes his home in the same family with such person, whether or not temporarily living elsewhere.

## 407-C:2 Extension of First Party Coverages and Benefits.

I. On and after the effective date of this chapter, every

policy delivered or issued for delivery in this state insuring against loss resulting from liability imposed by law for accidental bodily injury or death suffered by any person arising out of the ownership, maintenance or use of any motor vehicle registered or principally garaged in this state and insuring one or more motor vehicles, must provide coverage affording the following minimum benefits to the named insured and members of his family in his household when injured in a motor vehicle accident, and to other persons injured while occupying such insured motor vehicle as passengers or while using said motor vehicle with the permission of the name insured, and to pedestrians struck by the said motor vehicle. Such coverage shall apply with respect to any accident occurring in or outside of the state of New Hampshire, but within the United States of America, its territories and possessions, and Canada, except that in the case of pedestrians, such coverage shall apply only if the pedestrian is struck by the insured motor vehicle in an accident occurring within the state.

(a) Medical, Hospital and Rehabilitation Benefits. Payment of all reasonable and necessary expenses arising from the accident and incurred within two years from the date thereof for medical, physical or occupational therapy or rehabilitation, surgical, x-ray, dental, prosthetic, ambulance, hospital, clinical laboratory, and professional nursing services, subject to a limit of three thousand dollars per person. Hospital room and board benefits shall be limited to the regular daily semi-private room rates customarily charged by the institution in which the recipient of benefits is confined, except in cases where a private room or intensive care unit is ordered by the attending physician. Medical services shall include any non-medical remedial treatment and care rendered in accordance with a recognized religious method of healing.

(b) Income Protection Benefits. Payment of eighty-five percent of the income including but not limited to salary, wages, tips, commissions, fees, profits from individually-owned businesses or farms or other earnings actually lost by an income or wage earner as a result of an inability to work, proximately caused by an injury sustained in an accident involving the insured's motor vehicle, subject to a limitation of one thousand dollars per month for one year per person injured, provided that no such benefits shall be paid unless the person injured is unable to engage in his usual occupation for seven days.



(c) Disability Payments. If the injured person is usually engaged in a remunerative occupation but at the time of the accident is temporarily unemployed, said person shall be entitled to the same benefits as those prescribed in RSA 407-C:2, I, (b), the rate to be based upon his usual earnings.

(d) Death Benefits. Payment of death benefits of one thousand dollars per person providing death results within one year from the date of the accident.

II. In addition to the minimum benefits provided in RSA 407-C:2, I, every company which shall issue or deliver a policy in this state insuring against loss resulting from liability imposed by law for accidental bodily injury or death suffered by any person arising out of the ownership, maintenance or use of any motor vehicle registered or principally garaged in this state and insuring one or more motor vehicles, must offer the following optional additional extension of coverages:

(a) Medical, Hospital and Rehabilitation Benefits. Payment of all reasonable and necessary expenses arising from the accident for medical, physical or occupational therapy or rehabilitation, surgical, x-ray, dental, prosthetic, ambulance, hospital, clinical laboratory, and professional nursing services, subject to a limit of fifty thousand dollars per person. Hospital room and board benefits shall be limited to the regular daily semi-private room rates customarily charged by the institution in which the recipient of benefits is confined, except in cases where a private room or intensive care unit is ordered by the attending physician. Medical services shall include any non-medical remedial treatment and care rendered in accordance with a recognized religious method of healing.

(b) Income Protection Benefits. Payment of eighty-five percent of the income including but not limited to salary, wages, tips, commissions, fees, profits from individually-owned businesses or farms or other earnings actually lost by an income or wage earner as a result of an inability to work, proximately caused by an injury sustained in an accident involving the insured's motor vehicle, subject to a limitation of four hundred dollars per week for two hundred sixty weeks per person injured.

(c) Student Disability Payments. If the injured person is

a student not usually engaged in remunerative occupation and is sixteen years of age or older, he shall be entitled to recover the sum of fifteen dollars per day during the period of any total disability arising out of such motor vehicle accident, subject to a limitation of fifty-two weeks per person injured.

(d) Loss of Service Benefits. Payment of benefits for all expenses reasonably incurred in obtaining from other ordinary and necessary services, which would ordinarily have been performed by the injured person, not for income, but for the benefit of himself and members of his family in his household, but which he could not perform because of the injury arising from the accident, subject to a limit of twenty-five dollars per day for two hundred sixty weeks per person injured, provided that no such benefits shall be paid unless the person injured is unable to perform said services for seven days.

(e) Death Benefits. Payment of death benefits of up to fifty thousand dollars per person providing death results within one year from the date of the accident.

III. Nothing in this chapter is intended to prevent an insurer from providing more extensive benefits than those required by this section.

407-C:3 Subrogation. Every insurer licensed to write automobile liability insurance shall be deemed to have agreed, as a condition of maintaining its license to do business in this state, that where its insured is or would be held legally liable for damages for injuries sustained by any person to whom benefits accruing hereunder have been paid by another insurer, it will reimburse such other insurer for the payment of such benefits, but not in excess of the amount of damages so recoverable; and that the issue of liability for such reimbursement and the amount thereof shall be decided by mandatory, binding, inter-company arbitration procedures approved by the insurance commissioner. Any evidence of decision in the arbitration proceedings shall be privileged and shall not be admissible in any action at law or in equity by any party or parties. In any case where an insurer has paid benefits, accruing hereunder, to a claimant injured by a person who is not covered by liability insurance provided by an insurer licensed to write automobile liability insurance in this state, the insurer paying such benefits shall, to the extent of such payments, be subrogated to any right of action for damages by the claimant against such person.

407-C:4 Uninsured or Hit-and-Run Motor Vehicle Coverage. Any recovery under uninsured or hit-and-run motor vehicle coverage shall be reduced by any benefits that have been paid under RSA 407-C:2.

407-C:5 Duplication. The benefits described in RSA 407-C:2 shall be paid by the insurer of the motor vehicle to the injured person, except as follows:

I. Where any person insured under a policy providing such benefits is injured in a motor vehicle accident while occupying or being struck by a motor vehicle not insured for such benefits under another policy, the benefits shall be payable by the insurer affording the benefits, provided, however, that the benefits payable by such insurer shall be reduced to the extent of any similar motor vehicle medical, income continuation, loss of services or funeral benefits coverage available to the injured person under such other motor vehicle.

II. No person shall recover benefits under the coverages prescribed in RSA 407-C:2 from more than one policy or insurer on either a duplicative or supplemental basis. Members of his family in his household shall recover on the basis of the policy of the named insured, unless the claimant is himself the named insured in another policy affording the coverage described in RSA 407-C:2.

407-C:6 Benefits Primary. Except as provided in 407-C:5, the benefits described in RSA 407-C:2 are primary and shall be paid regardless of collateral sources, including but not limited to any wage continuation benefits, except that the benefits provided under said section shall be reduced or eliminated to the extent that the injured person is entitled to benefits under any workmen's compensation act of any state or the federal government.

407-C:7 Notice; Prompt Payment of Claims.

I. A person claiming benefits hereunder shall give notice to the insurer of the accident giving rise to such claim, and that claim for payments of such benefits is made. Notice shall be deemed sufficient when in writing, addressed to the insurer at its home office as shown in the policy or to the agent or broker through whom the policy was issued, and deposited in the United States mails, postage prepaid; provided, however, that

nothing herein shall prevent the giving or effectiveness of notice by any means reasonably calculated in the ordinary course of business to inform the insurer that such claim is being made.

II. Payment of income protection benefits and loss of services benefits payable under the provisions of RSA 407-C:2 shall commence within fifteen days after the insurer has received notice that such benefits are claimed, and shall continue to be paid regularly and at intervals not exceeding fifteen days during such time as the claimant is entitled thereto as provided in said paragraphs.

III. Benefits payable under the provisions of RSA 407-C:2, I, (a) and (c) and RSA 407-C:2, II, (c) shall be paid periodically, as expenses under such coverages are incurred, provided notice has been given to the insurer as provided in RSA 407-C:7, I and provided, further, that the insurer shall have fifteen days after the last day of a calendar month in which to pay expenses payable under such coverages, vouchers or statements for which shall have been submitted to the insurer during such month. The fact that additional or further expenses of like nature may reasonably be expected to be incurred will not receive the insurer of its obligation to pay, within the time prescribed in the preceding sentence, vouchers or statements submitted to it.

IV. Benefits not paid within the time prescribed for the payment thereof by RSA 407-C:7, II and III shall be deemed overdue. For the purpose of calculating the extent to which any benefits are overdue, payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was deposited in the United States mail in a properly addressed, postage prepaid envelope, or, if not so posted, on the date of delivery of such instrument to the claimant or his creditor. All overdue benefits shall bear simple interest at the rate of two percent per month or twenty-four percent per year. If the insurer shall fail to pay any benefits when due, the person entitled thereto may bring an action in contract to recover the same. If the plaintiff in such action shall prevail, he shall be awarded judgment in the amount of such overdue benefits, with the interest accrued thereon, and, in addition, the court in its discretion may award him his reasonable attorneys fees incurred in bringing the action.

V. The existence of a potential cause of action in tort in favor of any claimant for benefits provided in RSA 407-C:2 shall



not relieve the insurer of its obligation promptly to pay such benefits; provided, that if prior to payment by the insurer of such benefits, payment in whole or in part of his loss is received by the claimant from or on behalf of a third person who is or may be liable in tort for such loss, either by way of advance payment or settlement of the potential liability of such third person, the claimant shall disclose such fact, and shall not receive or accept benefits hereunder to the extent that such benefits would produce a duplication of payment or reimbursement of the same loss. In the event of any duplication of payment or reimbursement of the same loss resulting from payments from or on behalf of a third person who is or may be liable in tort for such loss, and to the extent of the amount involved, the insurer may deduct said amount from any total or future benefits to which the claimant is or may be entitled.

VI. Notwithstanding any provisions of law to the contrary, no company shall write policies or contracts of insurance pursuant to this chapter unless the proposed insured requests such insurance from a regularly-commissioned resident agent in this state.

407-C:8 Offset. If a person receiving or entitled to receive benefits under RSA 407-C:2 files an action for damages for bodily injury, sickness, disease or death arising out of an automobile accident in any court in this state, the amount of the benefits received or to which such person is entitled, shall be disclosed to the court, and such amount less a proportionate share of the expenses of recovery shall be deducted by the court, from any verdict rendered in favor of the plaintiff. The amount so deducted shall not be considered a part of the verdict or recovery obtained by such person, and said amount shall be subject to the provisions of RSA 407-C:3.

407-C:9 General Damages. Nothing in this chapter shall be deemed to affect the right of any person to claim and use for damages or losses sustained by him as a result of a motor vehicle accident.

407-C:10 Assigned Claims. In consideration of retention of their several certificates of authority to write automobile liability insurance, automobile liability insurers are hereby directed to organize and maintain an assigned claims plan to provide that any person in this state, other than the owner of



a motor vehicle not insured by a policy providing benefits as described in RSA 407-C:2, and members of his family in his household, who suffers loss or expense as a result of bodily injury or death arising out of the ownership, maintenance or use of a motor vehicle may obtain the benefits provided in said section through said plan in any case where no benefits as described in RSA 407-C:2 are otherwise available to such person; provided, however, that such benefits will be diminished or eliminated to the extent the injured party is entitled to benefits under any workmen's compensation act of any state or the federal government. Said plan shall operate in accordance with rules and regulations approved by the insurance commissioner. A claim brought under this section shall be assigned to an insurer in accordance with the plan of operation, and such insurer, after such assignment, shall have the same rights and obligations as it would have had if, prior to such assignment, it had issued a policy providing the benefits described in RSA 407-C:2 to the claimant. Any person whose claim is assigned in accordance with this section shall have the same rights and obligations that he would have had if the assignee had, prior to the occurrence of the accident giving rise to the claim, issued to him a policy providing the benefits described in RSA 407-C:2.

407-C:11 Rates. Every insurance company providing coverage pursuant to this chapter file its rates with the insurance commissioner pursuant to RSA 312:14 through 20, inclusive.

407-C:12 Recurrences. The coverages described in RSA 407-C:2 may provide that in any instance where a lapse occurs in the period of disability or in the medical treatment of an injured person who has received benefits under such coverage or coverages and such person subsequently claims additional benefits based upon an alleged recurrence of the injury for which the original claim for benefits was made, the insurer may require reasonable medical proof of such alleged recurrence; provided, that in no event shall the aggregate benefits payable to any person exceed the maximum limits specified herein, and provided further that such coverages may contain a provision terminating eligibility for benefits after a prescribed period of lapse of disability and medical treatment, said period which shall not be less than two years.

407-C:13 Medical Disclosure. Any person who claims dam-

ages for personal injuries arising out of the operation, maintenance or use of a motor vehicle from another person or benefits therefor under an insurance policy shall upon request of the defendant or insurer from whom recovery is sought submit to physical examination by a physician or physicians selected by the defendant or insurer, at the defendant or insurer's expense as may reasonably be required and shall do all things reasonably necessary to enable the defendant or insurer, to obtain medical reports and other needed information to assist in determining the nature and extent of the claimant's injuries and the medical treatment received by him. If the claimant refuses to cooperate in responding to request for examination and information as authorized by this section, evidence relevant to such noncooperation shall be admissible in any suit filed by the claimant for damages for such personal injuries or for benefits under any insurance policy.

2 Repeal. RSA 268:15-b and 15-c relative to medical payments and subrogation therefor is hereby repealed.

3 Effective Date. This act shall take effect January 1, 1974.

Sen. FERDINANDO: At the end of the committee report we have repealed the existing medical payments so that there won't be a mass of duplicate copies. That in essence is what the amendment does. The bill is the Senate Insurance Committee bill. I think that this is one of the most unique bills of "no-fault" that's available in any legislature. What we are saying is that it's compulsory for medical expenses up to \$3,000. We are also saying 85% of a person's salary up to \$1,000 is going to be paid per month per year. What makes this bill so unique is that if anyone is not satisfied with these amounts and are interested in higher coverage they will have the option of buying it. In the other states that have no-fault bills as far as the medical payments limits are concerned it has been said that the three thousand dollars may not be high enough. In Massachusetts it's two thousand dollars and in Minnesota. If somebody wants to buy more income protection they can buy up to 85% of their salary to \$400 a week up to five years so if anybody is not satisfied with the basic amount that the bill gives them they have the option of buying as much as they want as far as the optional surface benefits. If anybody wants to buy a twenty-five dollar a day coverage for five years they have the option. This is designed to meet the needs of the people in New Hampshire. It's been

said that the cost of the bill is apt to go up. So what we've done is reduced the amounts of the mandatory compulsory provision. We have lowered the cost and kept it down.

Sen. FERDINANDO: The way that the bill passed the House was that it was \$1,000 threshold and what we have done is eliminate the threshold so that the rights that people now have if somebody wants to bring action for pain and suffering, we have not taken those rights away. It was brought out in testimony that the person who has the disc operation has only two or three hundred dollars worth of medical payments but yet will have to go through the rest of his life suffering because an operation could totally put him out of commission. So he exists with something to ease his pain. They would have the right to bring action for their pain and suffering.

Sen. JOHNSON: Where will this go down?

Sen. FERDINANDO: Under the existing statutes \$1,000 worth of medical payments provides that should you get injured under existing policy you collect the \$1,000 of medical payments and then you bring action against Senator Provost. There is no subtracting for the \$1,000 that you have already collected. But under this no-fault bill when the insurance company brings action they have to reduce the amount of medical payments that they have to collect.

Sen. JOHNSON: Did you say whether the bill will go up or down?

Sen. FERDINANDO: I hesitate to say either way.

Sen. BOSSIE: At the hearing on this bill was there any testimony given as to the \$50,000 medical payment as provided by the House Bill in regards to this.

Sen. FERDINANDO: It was stated in the hearing that anyone who received up to \$50,000 worth of medical payments could be one case in every four or five million. So that is why the committee felt that this was sort of a camouflage using that \$50,000 figure.

Sen. BOSSIE: Isn't it true that the only case that was reported to the committee and ever used that was in one case involving \$44,000?

Sen. FERDINANDO: That is correct.

Sen. DOWNING: Senator, didn't the safety factor generate the threshold almost exclusively?

Sen. FERDINANDO: Yes, the committee felt that it was more important to allow the right of the people of New Hampshire to be able to maintain the same rights that they have today by allowing the threshold to be raised.

Sen. DOWNING: What provision is in this bill to insure the innocent victim of not having his rates raised because he had claims against his insurance company?

Sen. FERDINANDO: I don't think that there is any provision in any bill to assure what's going to happen as far as rates are concerned.

Sen. DOWNING: Don't you think that before we adopt something where the innocent could very well be penalized, and we don't understand the merit system or there isn't one, that something more should be done or attached to this bill?

Sen. FERDINANDO: I think that what we are concerned with here is making sure that everyone here has the required insurance. That in essence is the only obligation that this committee had.

Sen. JACOBSON: I'm not sure what the variations are between SB 219 and the amendment as your committee proposes. Could you summarize them?

Sen. FERDINANDO: SB 219 was merely the no special bill. It's pretty much HB 607 as it came out of the House. What we have done is that we have allowed people of New Hampshire to tailor-make their own insurance programs by taking the required limits as they are and if they want to protect themselves for greater amounts they have the option.

Sen. JACOBSON: Suppose I had an accident with Mr. X, do I go to my insurance company and collect?

Sen. FERDINANDO: Yes, you do.

Sen. JACOBSON: If it happens to be my fault, regardless of what the cost was, I can be sued? Is that correct?

Sen. FERDINANDO: If it happens to be your fault, then yes, you can be sued.

Sen. JACOBSON: Also the other insurance company can sue the other company?

Sen. FERDINANDO: They can take your rights and sue the other company.

Sen. JACOBSON: Then I fail to understand what the "no-fault" aspect is?

Sen. FERDINANDO: The aspect is that if you should injure yourself in an auto accident and you have \$500 worth of medical bills, you will then bring the bills to your insurance company and they in turn will pay it.

Sen. JACOBSON: Aren't these type of insurance policies already available?

Sen. FERDINANDO: There are some that are available.

Sen. JACOBSON: I fail to see how those medical expenses that you have been explaining apply to no fault.

Sen. FERDINANDO: Senator, medical payments as applies to no fault are the same.

Sen. JACOBSON: Except for the five thousand dollars, we could pass legislation without reference to no fault.

Sen. FERDINANDO: What is no fault? No fault is a required medical payment for bills which we have on the statutes today. This is not a brand new idea that has not been available.

Sen. GREEN: I'm interested in the required limit. What are the required limits under our present statutes at this time?

Sen. FERDINANDO: As far as medical payments, \$1,000.

Sen. GREEN: If we passed this amendment what would it then be?

Sen. FERDINANDO: \$3,000.

Sen. GREEN: Would that effect the total cost of the policy?

Sen. FERDINANDO: It's apt to lower it because the company who pays out \$1,000 under existing statutes cannot deduct that amount that they paid out when they bring someone under a lawsuit. But under this bill, the company that pays you \$1,000 and then tries to reimburse the person who is responsible will have that subtracted from the amount they have paid.



Sen. GREEN: Why does the committee feel that the rule of threshold is an important aspect in this bill?

Sen. FERDINANDO: The committee felt that the people in New Hampshire were such that if we were to take away the rights that we now have it would be unnecessary. That's the reason.

Sen. GREEN: I've had an opportunity since yesterday to spend time with the amendment, having had the opportunity to look over the original HB 607 and after having had an opportunity to check with people in my own district with whom the direct effect will be felt I find that HB 607 is far better a no-fault bill than the one being presented as an amendment. I see this bill being pretty much a restatement of SB 219. We felt that the question was too complex and we didn't know what all the no-fault bills were going to be like. I have been aware of 90% of HB 607 as it came from the House. I don't care where the bill originates I'm concerned about what the bill is going to do. I'm not sure that no-fault insurance will cut costs either. I think that here the word no-fault has become a meaningless word. Under the present amendment no-fault has no chance to succeed.

Sen. BRADLEY: Mr. President, I think that there have a few misstatements about this amendment and perhaps this will give you the framework with which to evaluate the present amendment of the other no-fault bills. In any system where you have reparation for personal injuries that you want to achieve:

1. The speed of recovery.
2. The percentage of injuries compensated.
3. The completeness of the recovery.
4. The cost of the premium.
5. What your system does in respect to the court conjecture.
6. How you allocate losses or reward for safe driving.

This is an attempt to compare the present system. (describes a chart) I want to achieve a sound no-fault bill and I was not consistent on my bill that I introduced before, but I do want the issue to be resolved on the merit of the thing and not on slogans. I cannot guarantee on the cost of premiums but I think

that that is reasonable. I think that you could construct a hypothetical no-fault system that would save money over the existing system. We can see a good reason for these costs to go down because if a person gets speedy recovery for injuries then they are never going to sue and they will be satisfied.

Another thing that should be accomplished is a sufficient use of premium. Under a hypothetical no-fault system you ought to be able to use all of the premium dollar for payments and not use it up within the system. The reason why you don't get such efficient use under this system is that you are allowing for some litigation. I say that the present system is pretty bad on that question. Finally, I said reward for safe driving and I think that this was the point that Sen. Downing was driving at, and that is what about the safe driver? Under most proposals and under the other no-fault proposals where there was no segregation that means that innocent or guilty you are going to share in the cost of the coverage. This bill has in it complete segregation between the insurance companies. The insurance companies have no right to sue. This only provides for intercompany binding arbitration. In order to achieve this you may have to lose something on premiums. I suggest to you that in New Hampshire the greatest problem that you have is that people should be paid whether or not they are at fault, and I think this bill achieves that.

Sen. BOSSIE: Is it not true that in the State of New Hampshire any court suggestion that we do have is not the result of auto-accident cases but rather because of the constitutional provision which involves criminal trial?

Sen. BRADLEY: I think that's a good point. The amount of auto litigation cases are not overwhelming in courts. And where there are backlogs, it can be delayed to criminal cases.

Sen. GREEN: Sen. Bradley, if I as a Senator was concerned about insurance which approach would I be apt to be more receptive to?

Sen. BRADLEY: If all you wanted to do or achieve is to save on your premium dollar you probably would buy something with a high threshold.

Sen. GREEN: In the amendment it states that "motor vehicle insurance required primary coverage." What does the term "required" mean in that sentence?

Sen. BRADLEY: That is the required coverage which people writing insurance policies have to pay the insurance.

Sen. GREEN: Are we saying as a result of this that everybody is going to be required to have this coverage?

Sen. BRADLEY: No, this is not a compulsory bill.

Roll Call requested by Sen. Blaisdell, seconded by Sen. Spanos.

Yeas: Poulsen, S. Smith, Gardner, Bradley, Spanos, Nixon, Porter, McLaughlin, Ferdinando, Sanborn, Provost, Bossie, Johnson and Preston.

Nays: Lamontagne, Green, Jacobson, Blaisdell, Trowbridge, Claveau, R. Smith, Brown, Downing and Preston.

Result: Yeas 14, Nays 10.

Amendment Adopted.      Ordered to third reading.

Sen. Bossie moved that the rules of the Senate be so far suspended as to place HB 607 on third reading and final passage at this time.

Adopted.

Third reading and final passage

HB 607, relative to motor vehicle insurance and guaranteeing compensation for medical expenses and lost wages.

Adopted.

Sen. Bossie moved reconsideration of HB 607 at this time.

Motion lost.

## COMMITTEE REPORTS (Continued)

### HJR 32

establishing an interim study committee to study an administrative procedure act and draft a legislative proposal and making an appropriation therefor. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, this joint resolution and the companion bill, HB 503 are two parts of the administration procedure act. HJR 32 would continue the study of the

second part of the administration procedures act which is not being enacted this year. HB 503 establishes the first part which is the recording and filing of regulations into the office of Legislative Services. Normally we would put this in the office of the Secretary of State but he didn't want it. What you need for expenditures is a sum of \$30,000.

Adopted.      Ordered to third reading.

**HB 503**

establishing an administrative procedure act and making an appropriation therefor. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, I have explained this in HJR 32.

Sen. PORTER: I urge everyone in the Senate to vote for this bill.

Adopted.      Ordered to third reading.

**HB 150**

providing for solid waste disposal and resource recovery. Ought to pass with amendment. Sen. Trowbridge for the Committee.

AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Solid Waste Disposal Incentive Plans. Amend RSA 147 by inserting after section 42 the following new subdivision:

Solid Waste Disposal

147:43 Solid Waste Disposal and Recycling. Each town, city or unincorporated place is authorized to receive and expend the revenue authorized in RSA 147:45 for the purpose of disposing of solid wastes or trucking or separating and recycling solid wastes in an approved manner or improving solid waste disposal centers or purchasing equipment therefor.

147:44 Regional Cooperation. The selectmen of the towns or unincorporated places and the mayor and council of each city are authorized to enter into cooperative agreements with other towns, cities, or unincorporated places to provide a regional fa-

cility for the collection, separation and/or recycling of solid wastes at mutually agreed upon sites. The selectmen or mayor and council, as the case may be, are authorized to expend funds received from any source to establish and maintain such regional facilities and to provide for sharing the costs of establishing and maintaining such facilities in an equitable manner.

147:45 Revenue for Disposal. There is hereby appropriated to each town, city or unincorporated place for fiscal years 1974 and 1975 a sum equal to one dollar for each person residing in such town, city or place based on the latest resident population figures furnished by the office of state planning; provided, however, that a town, city or place, shall receive such sums hereunder only if it has received approval from the director of the division of public health services for a local, regional or cooperative waste disposal program consistent with any regional plan developed by said division for the separation, collection or recycling of solid wastes or the hauling of such wastes to a collection or recycling center, which program has or will become operative in the fiscal year in question. Payment of such sums shall be made within ninety days of the certification of the annual resident population figures to the state treasurer by the office of state planning pursuant to the provisions of RSA 78-A:25 or the approval of the director of public health services, whichever occurs later. The director of public health services shall notify each town, city and unincorporated place as to its recommendations for an approved place and shall aid said municipalities in the development of an approvable plan, said plan to include a vote by the town meeting or by the city council, as the case may be, and to impose a requirement for voluntary separation of wastes into burnables, organic matters, glass and metal prior to disposal in a public dump.

2 Appropriation. There is hereby appropriated the sum of five hundred thousand dollars for fiscal year 1974 and the sum of eight hundred thousand dollars for fiscal year 1975 to be expended by the state treasurer for the purpose of carrying out the provisions of this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1973.

Sen. TROWBRIDGE: Mr. President, I apologize to the



Senate. I hope that you will go along with me on this amendment. One of the problems we've had is the fact that the Governor has said that he would like to have some legislation that would send money back to the cities and towns on a per capita basis. And this bill related to waste disposals has really no money in it. This simply says that each community that has a full waste disposal system can get a dollar per citizen of state money in the first and second year so that you would be sending a block grant back for this purpose. Unless there is some incentive these towns are not going to get there by 1975 and we are going to have the rules and not enforced.

Sen. SANBORN: I rise in favor of the amendment.

Amendment Adopted.      Ordered to third reading.

#### **HB 818**

relative to the administration of the revenue laws. Ought to pass with amendment. Sen. S. Smith for the Committee.

#### **AMENDMENT**

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Transfers of Funds. All monies appropriated to the tax commission and all monies available to it from any source except monies appropriated for the salaries of the three tax commissioners and the classified positions of 1 account clerk III, 1 clerk steno II and 1 clerk typist II are hereby transferred to the department of revenue administration. The monies appropriated to the tax commission for the salaries of the tax commissioners and the classified positions of 1 account clerk III, 1 clerk steno II and 1 clerk typist II is hereby transferred to the board of taxation.

Further amend the bill by striking out section 7 and inserting in place thereof the following:

7 Transfer of Personnel, Property, etc. The personnel, property, and records of the state tax commission, except members of the tax commission and the classified positions of 1 account clerk III, 1 clerk steno II and 1 clerk typist II, are hereby transferred to the department of revenue administration. The transfer herein provided for shall not eliminate any existing position within the classified service unless such position shall be

vacant or, if filled, its incumbent has been transferred to an equivalent or higher paid position of like tenure. No permanent classified state employee shall be required to take an examination to remain in his position. Unclassified employees within the tax commission shall also be transferred to the department of revenue administration and no vacancies in such positions are created by this act.

Further amend the bill by striking out all after section 19 and inserting in place thereof the following:

20 Appropriation. There is hereby appropriated for the fiscal year ending June 30, 1974 and for fiscal year ending June 30, 1975, to be expended for the purposes of this act as follows:

	1974	1975
Office of the State Commissioner:		
Commissioner of Revenue	\$20,301	\$21,321
Other expenditures:		
Benefits	1,323	1,389
	<hr/>	<hr/>
Total	\$21,624	\$22,710
	=====	=====
Board of Taxation:		
Personal services:		
Permanent	\$27,520	\$29,226
Current Expenses	2,000	2,750
Travel:		
In-state	7,500	7,500
Out-of-state	1,000	1,000
Other expenditures:		
Benefits	2,474	2,624
	<hr/>	<hr/>
Total	\$40,494	\$43,100
	=====	=====

This appropriation shall be in addition to all other appropriations for the office of the state commissioner. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

21 Effective Date. This act shall take effect sixty days after its passage.

Sen. S. SMITH: The amendment to HB 818 reestablishes the system of transfer. It transfers three clerical helpers and

hires two appraisers and it establishes the salary for the commissioner of the department.

Amendment Adopted.      Ordered to third reading.

### HB 836

expanding the jurisdiction of the public utility commission to regulate water companies as public utilities, except for municipal water companies. Ought to pass with amendment. Sen. Downing for the Committee.

### AMENDMENT

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Charges for Stand-by Connections. Amend RSA 378 by inserting after section 9 the following new section:

378:9-a Fire Protection Systems; Stand-by Connections. Any public utility making a charge for stand-by connections to private fire protections systems shall recover the total of all direct costs in no less than five years.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. DOWNING: Mr. President, HB 836 expands the public utilities commission for regulating water companies. It is now limited to companies serving 30 consumers. This bill would permit them to regulate all of them.

Amendment Adopted.      Ordered to third reading.

### HB 747

concerning conservation and preservation restrictions on real property. Ought to pass with amendment. Sen. Bradley for the Committee.

### AMENDMENT

Amend RSA 477:46 as inserted by section 1 of the bill by inserting at the end thereof the following (Any doctrine of law which might otherwise cause the termination of such a restriction shall not be effected by the provisions of this subdivision.) so that said section as amended shall read as follows:

477:46 Restrictions Enforceable. No conservation restric-

tion held by any governmental body or by a charitable, educational or other corporation, association, trust or other entity whose purposes include conservation of land or water areas or of a particular such area, and no preservation restriction held by any governmental body or by a charitable, educational or other corporation, association, trust or other entity whose purposes include preservation of structures or sites of historical significance or of a particular such structure or site, shall be unenforceable against any owner of the restricted land or structure on account of lack of privity of estate or contract, or lack of benefit to particular land, or on account of the benefit being assignable or being assigned to any other governmental body or to any entity with like purposes. This section shall not be construed to imply that any restriction, easement, covenant or condition which does not have the benefit of this section shall, on account of any provisions hereof, be unenforceable. Any doctrine of law which might otherwise cause the termination of such a restriction shall not be effected by the provisions of this subdivision.

Sen. BRADLEY: The concern has been that we might somehow be tying up land. That is not true. This concerns the conservation and preservation restrictions on real property.

Sen. POULSEN: I rise in support of this measure.

Amendment Adopted.      Ordered to third reading.

#### HB 165

relative to granting of licenses for hawkers and peddlers. Ought to pass with amendment. Sen. Bradley for the Committee.

Sen. Bradley moved that HB 165 be laid on the table.

Adopted.

#### HB 636

providing an attorney for indigent persons seeking unemployment compensation benefits. Ought to pass with amendment. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, what the bill simply does is require the Unemployment Compensation Department to provide a federal grant which would provide an attorney for

indigent persons seeking unemployment compensation benefits.

Sen. JACOBSON: Has the Commissioner given his approval for this amendment?

Sen. BRADLEY: I talked with Mr. Smith earlier today and it is my understanding that they have no objections to the bill in its present form. They did appear against the bill in its original.

Sen. McLaughlin moved that HB 636 be indefinitely postponed.

Sen. MCLAUGHLIN: Mr. President and members of the Senate looking over this bill I think that it is an unfair advantage to the people involved here and I think that it's a one sided story where a lot of money is going to be given to the person who is planning to go back for unemployment compensation. Nothing is given to the employer as to what he is going to do and how he's going to do it.

Sen. BRADLEY: I'd like to rise to say that I oppose that motion and I think that it's not logical as to what Senator McLaughlin said. The employer is not likely to be indigent.

I think that if a person is indigent and can establish that and that there are federal funds available for that purpose it seems to me that we should not deprive the indigent of that tool.

Sen. TROWBRIDGE: How will a person be considered indigent?

Sen. BRADLEY: Bear in mind that this is only talking about the indigent who is seeking benefits who is appealing an adverse ruling of the appeals bureau. Now this is not going to occur until sometime after this man has been out of work.

Sen. BROWN: What does this have to do with the procedure of appeal at the present time?

Sen. BRADLEY: Now if you are indigent you may be out of luck because you can't very well prosecute your appeal in the superior court without a turn. What brings this statute to us is that New Hampshire Legal Assistance has been doing some



of this work and they are running into the problem of too stringent guidelines in handling these cases.

Motion Adopted.

**HB 773**

relative to unsolicited merchandise and unfair trade practices. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: This modifies the law about unsolicited merchandise to say that where a person has ordered something and finds it to be a problem and the company attempts to satisfy the customer and sends him a replacement that that can't be considered unsolicited merchandise. Secondly, the bill prohibits going out of business sale when you are really not going out of business and thirdly it imposes a two-year statute of limitation on violations.

Adopted.      Ordered to third reading.

**HB 1035**

relative to corporations with only two shareholders. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: This is a simple bill that deals with the problem where you have two stockholders with 50% of the stocks and who have in turn elected three directors as is required under the statutes. When the two stockholders are fighting and can't agree as to who they are going to elect this allows people to go into the superior court and put the power of the corporation in the hands of the two stockholders.

Adopted.      Ordered to third reading.

**HB 910**

relative to protecting consumers in the sale of consumer goods. Ought to pass with amendment. Sen. Bossie for the Committee.

**AMENDMENT**

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

I Limitation of Exclusion or Modification of Warranties.  
Amend RSA 382-A by inserting after section 2-316 the following new sections:

382-A:2-316-a Limitation of Exclusion or Modification of Warranties. The provisions of RSA 382-A:2-316 shall not apply to sales of consumer goods, as defined in RSA 382-A:9-109, services or both. Any language, oral or written used by a seller or manufacturer of consumer goods and services, which attempts to exclude or modify any implied warranties of merchantability and fitness for a particular purpose or to exclude or modify the consumer's remedies for breach of such warranties shall be against public policy, void and wholly unenforceable.

382-A:2-316-b Limitation of Remedies; Consumer Goods. Any language, oral or written, used by a manufacturer of consumer goods as defined in RSA 382-A:9-109 which attempts to limit or modify a consumer's remedies for breach of such manufacturer's express warranties shall be unenforceable unless the manufacturer maintains facilities within the state sufficient to provide reasonable and expeditious performance of the warranty obligations.

Sen. BOSSIE: Mr. President the amendment to this bill is on page 60. This is in regards to the limitation or exclusion or multiplication of warranties under the Uniform Commercial Code. These warranties are provided by the Uniform Commercial Code and this provision provides that no consumer goods may be limited by just putting this on the box or label.

Sen. JACOBSON: Senator Bossie, does this create any problems with the King James Bible?

Sen. BOSSIE: It does not.

Amendment Adopted.      Ordered to third reading.

#### **HB 644**

relative to the holder in due course doctrine. Ought to pass with amendment. Sen. Bradley for the Committee.

#### **AMENDMENT**

Amend RSA 382-A:3-305-a as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

382-A:3-305-a Holder of Credit Paper.

I. Notwithstanding any other provision of law to the contrary, the holder in due course of a promissory note or instru-

ment or other evidence of indebtedness of a consumer delivered in connection with a sale of consumer goods, as defined in RSA-382-A:9-109, shall take or hold that note, instrument or evidence subject to all defenses and claims of such consumer which would be available to the consumer in an action on a simple contract, provided that the liability of the holder in due course shall not exceed the amount financed in the transaction.

II. Any agreement between any of the parties to the transaction by which the consumer waives any rights or remedies under this section shall be deemed against public policy, void and wholly unenforceable.

III. This section shall be applicable to all contracts and instruments assigned after the effective date of this section.

Sen. BRADLEY: This is another amendment dealing with commercial papers. Under the present law if you finance a purchase of consumer goods say with the local garage, the garage then assigns a paper to the bank, and if nothing goes wrong with the car and the garage doesn't fix, then the customer upon deciding that he won't pay for the car is told by the bank that he must pay for it. However in the area of consumer goods this has to be realized by many as a bad law. It was in the uniform commercial law.

Amendment Adopted.      Ordered to third reading.

## HJR 47

providing for a legislative committee to study the means of implementing a furlough system at the New Hampshire state prison. Ought to pass with amendment. Sen. McLaughlin for the Committee.

## AMENDMENT

Amend the caption of the resolution by striking out the same and inserting in place thereof the following:

## JOINT RESOLUTION

providing for a legislative committee to study the means of implementing a furlough system at the New Hampshire State Prison and providing for indemnification of state prison personnel in connection with claims by inmates.

Amend the resolution by adding at the end thereof the following new paragraph:

Further, the General Court declares that the state shall defend, indemnify and hold harmless any trustee, official or employee of the state prison from any and all loss, costs or damages arising from any liability or obligation to any inmate imposed by any court for any cause whatsoever, including but not limited to any liability which may be imposed under the federal civil rights, so-called, 42 U.S.C. sections 1981-1986. The governor with the consent of council is authorized to draw his warrant for such sums as may be necessary to accomplish the purposes of this paragraph from any money in the contingency fund.

Sen. MCLAUGHLIN: Mr. President and members of the Senate the amendment is on page 63. The main bill in essence sets up a committee with nine members. We are attempting to put a system together for furloughs for people in the state prison. This bill is recommended by the Warden.

Amendment Adopted.      Ordered to third reading.

#### **HB 429**

relative to the elimination of citizenship requirements for public assistance and relative to the local share of assistance in old age assistance, and aid to permanently and totally disabled and work incentive program. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: In essence it limits the requirement of citizenship for people to get public assistance. At the present time towns do supply it anyway.

Adopted.      Ordered to third reading.

#### **HB 658**

relative to the responsibility for erroneous or false data on plans for sewage or waste disposal systems. Referred to Interim Committee House Resources, Recreation and Development, and Senate Resources and Environmental Control. Sen. Porter for the Committee.

Sen. PORTER: Mr. President, the subject of HB 658 was covered in SB 156 which is presently receiving action by the House. The author of the bill recommended the amendment. Such an amendment had been previously defeated by the House

and we felt that it had great merit relative to the certification of sewerage treatment and septic tanks and therefore we recommend that it be looked at further and brought back in special session.

Adopted.

## HB 912

conforming state pollution control statutes to the federal requirements. Ought to pass with amendment. Sen. Porter for the Committee.

### AMENDMENT

Amend RSA 149:2, VII as inserted by section 2 of the bill by striking out in line five after the word "percent" the following "(fifty percent if the member is over sixty years of age and retired and is receiving such portion pursuant to a retirement, pension, or similar arrangements)", so that said paragraph as amended shall read as follows:

VII. Notwithstanding any other provision of law, no person shall serve on the commission who, within two years (a) prior to the effective date of the paragraph for persons appointed prior to the enactment hereof or (b) prior to the date of appointment for persons appointed subsequent to the enactment, shall derive more than ten percent of his income from persons required to have a permit under RSA 149:8, III, unless such income is derived solely from mutual funds or other similar investment devices. For the purposes of this section, the state or any agency or instrumentality thereof shall not be considered "persons required to have a permit under RSA 149:8, III".

Amend the bill by striking out section 17 of same and inserting in place thereof the following:

17 Effective Date. This act shall take effect sixty days after passage.

Sen. PORTER: Mr. President, this could be considered a housekeeping bill that would conform state pollution control statutes with the federal requirements.

Amendment Adopted. Ordered to third reading.

Sen. Blaisdell moved that HB 1027 be taken from the table.

Adopted.



**HB 1027**

amending in general the workmen's compensation laws. Ought to pass with amendment. Sen. Bradley for the Committee.

**AMENDMENT**

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Waiting Period. Amend RSA 281:20 by striking out said section and inserting in place thereof the following:

281:20 Waiting Period. A nemployer subject to this chapter, or his insurance carrier, shall pay to an employee sustaining a personal injury as defined in RSA 281:2, V, compensation during a period of total or partial disability, but not including the first three days thereof, unless such disability continues for seven days or longer.

Sen. BRADLEY: Mr. President, this is a bill correcting the various things in the Workmen's Compensation law. The bill as amended represented an agreed bill between labor, management and the commissioner. There was an amendment that was printed yesterday which simply cleared up the waiting period before compensation would be paid.

Amendment Adopted. Ordered to third reading.

Sen. Bradley moved that HB 257 be taken from the table.

Adopted.

**HB 257**

relative to the prohibition of certain promotional games. Ought to pass. Sen. Bradley for the Committee.

Sen. Bradley moved the following amendment.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

**AN ACT**

relative to the prohibition of certain promotional games at gas stations.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Giving Away of Tickets, etc., Prohibited. Amend RSA 577 by inserting after section 2 the following new sections:

577:2-a Certain Promotional Games Prohibited. It shall be unlawful for any person who owns or operates a gas station to induce or promote the retail sale of any product or service at said gas station by offering or disposing of any ticket, token, chance, certificate, or any other thing whereby the offeror or donor represents that the possession of a certain ticket, token, chance, certificate, or any other thing or combination thereof shall, in a manner dependent upon or connected with chance entitle the holder to receive any thing of value to which he would not otherwise be entitled.

577:2-b Penalty. If any person shall violate any of the provisions of RSA 577:2-a, he shall be subject to the following penalty:

I. If the offense occurs prior to November 1, 1973, he shall be fined no more than five hundred dollars, or imprisoned no more than one year, or both.

II. If the offense occurs on or after November 1, 1973, he shall, if a natural person, be guilty of a misdemeanor, and any other person shall be guilty of a felony.

577:2-c Exceptions. The provisions of RSA 577:2-a shall not apply to:

I. Promotional games in which the total value of prizes given in any thirty day period is less than one thousand dollars;  
or

II. The sale of lottery and sweepstakes tickets sold in accordance with the provisions of RSA 284:21-a to 21-r inclusive.

2 Effective Date. This act shall take effect sixty days after its passage.

Sen. BRADLEY: The amendment will require only people operating gas stations. Before it was any retail sales.

Amendment Adopted.

Sen. Bradley moved the following amendment.

#### AMENDMENT

Amend RSA 577:2-c, I as inserted by section 1 of the bill

by striking out said paragraph and inserting in place thereof the following:

I. Promotional games or offerings in which the total value of prizes given in any thirty day period is less than one thousand dollars; or

Sen. BRADLEY: This would only change two words.

Amendment Adopted.      Ordered to third reading.

Sen. Porter moved reconsideration of HB 633.

Sen. PORTER: There is no controversy on this bill. Nor to the amendment.

Adopted.

Sen. Porter moved that HB 633 be laid on the table.

Adopted.

Sen. Poulsen moved that the rules of the Senate be so far suspended as to allow introduction of a committee report without previous notice in the Journal.

Adopted.

#### **HB 208**

relative to classification of highways, highway aid apportionment and highway regulation. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President all this bill does is that it would change the population of towns from 4,000 to 5,000 in regards to the classification of highways.

Adopted.      Ordered to third reading.

Sen. Porter moved that the rules of the Senate be so far suspended as to allow for the introduction of a committee report without public hearing and notice in the Journal.

Adopted.

#### **HB 734**

relative to the establishment of new positions in the county government of Hillsborough county. Ought to pass. Sen. Porter for the Committee.

Sen. PORTER: I was very surprised to learn that we in

the Hillsborough County delegation received this bill at noon today to be acted upon. This bill is very simple. What it does is provide that the county commissioner prior to establishing any new position within the county shall obtain written approval of that from the Hillsborough County executive committee. The House has held three hearings and they are in support of this bill.

Adopted.      Ordered to third reading.

### COMMITTEE OF CONFERENCE REPORT ON HB 703

The committee of conference to which was referred House Bill 703, An Act to transfer or repeal all of title LVIII (crimes and offenses) except Chapters 570-A, 571-B and 585 and to change its title; and to permit the courts to provide for psychiatric examinations by other physicians than those at the New Hampshire Hospital, having considered the same, report the same with the following recommendation:

That the House recede from its position of nonconcurrence in the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the House and Senate each adopt the following amendment to the bill:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### AN ACT

to transfer or repeal all of title LVIII (crimes and offenses) except Chapters 570-A, 571-B and 585 and to change its title; and to permit the courts to provide for psychiatric examinations by other physicians than those at the New Hampshire Hospital.

Amend the bill by striking out section 28 and inserting in place thereof the following:

28 Psychiatric Examination of Person Awaiting Trial. Amend RSA 135:17 (supp), as amended, by striking out said section and inserting in place thereof the following:

135:17 Commitment for Observation. When a person is indicted for any offense, or is bound over by any district or municipal court to await the action of the grand jury, the superior court before which he is to be tried, if a plea of insanity is made in court, or said court is notified by either party that there is a question as to the sanity of the respondent, may make such order for a pre-trial psychiatric examination of such person by a psychiatrist on the staff of any public institution or by a private psychiatrist as the circumstances of the case may require, which order may include, though without limitation, examination at the New Hampshire Hospital on an out-patient basis, the utilization of local mental health clinics on an in- or out-patient basis, or the examination of such person, should he be incarcerated for any reason, at his place of detention by psychiatrists assigned to a state or local mental health facility.

29 Psychiatric Examination of Possible Dangerous Sexual Offender. Amend RSA 173-A:3, (I), (supp) as inserted by 1969, 443:1 by striking out the portion of said paragraph before subparagraph (a) and inserting in place thereof the following:

I. When Required. Whenever a person is convicted of one or more of the following sex offenses: deviate sexual relations, corruption of minors, rape, except in the case of rape where the woman is under the age of 15 and sexual intercourse is without force and not against her will, or any attempt to commit such offense, the convicting court shall, prior to sentencing, order a psychiatric examination and evaluation by a psychiatrist on the staff of any public institution or by a private psychiatrist of such person as the circumstances of the case may require, which order may include, though without limitations, examination at the New Hampshire Hospital on an in- or out-patient basis, the utilization of local mental health clinics on an in- or out-patient basis, or the examination of such person, should he be incarcerated for any reason, at his place of detention by psychiatrists assigned to a state or local mental health facility, provided that such examination and evaluation take not more than ninety days. However, the defendant, with the court's permission, may waive such observation and examination. Whenever a person is convicted of one or more of the following sex offenses: incest, rape when the woman is under the age of 15 and sexual intercourse is without force and not against her will, or is convicted more than once for lewdness or indecent exposure, or any at-



tempt to commit such offense, the convicting court may in its discretion, prior to sentencing order a psychiatric examination and evaluation of such person pursuant to the provisions set forth above, provided that such examination and evaluation take not more than ninety days. The examining agency may require the cooperation of any state agencies in obtaining and furnishing information. It may also require any agency, public or private, to furnish copies of any information or records in the possession of such agency, without court order and notwithstanding any other provisions of the law as to the use or availability of such information or records. Prior to the end of ninety days, the examining physician shall file a report with the committing court to include one of the following conclusions:

30 Providing for Recommendation of Confinement in Mental Health Facility. Amend RSA 173-A:3, (I), (a), (supp) as inserted by 1969, 443:1 by inserting in line three after the word "continued" the following (or that such person be confined in a mental health facility) so that said subparagraph as amended shall read as follows:

(a) That said person is not considered to be a dangerous sexual offender but that he is in need of and amenable to psychiatric treatment and that hospital confinement be continued or that such person be confined in a mental health facility until further order of the court, or until expiration of the maximum time for which said person is sentenced.

31 Hearing Petition. Amend RSA 173-A:3, (II), (a), (supp) as inserted by 1969, 443:1 by striking out in lines one and two the words "superintendent of the New Hampshire Hospital" and inserting in place thereof the following (examining physician) so that said subparagraph as amended shall read as follows:

(a) In the event that the examining physician concludes that there is psychiatric and/or psychological evidence suggesting that the person examined might be a dangerous sexual offender, the committing court may at its discretion act on the report and may direct the county attorney to file a petition on the basis of said report including such facts as he may have available requesting the court to conduct an inquiry into the condition of such person.

32 Hearing. Amend RSA 173-A:4, II, by striking out in line one the words "physicians of the New Hampshire Hospital" and inserting in place thereof the following (physician or physicians) so that said paragraph as amended shall read as follows:

II. The physician or physicians who made the examination may be present at the hearing and may be called on to testify as to the result of their examination and to any other pertinent facts within their knowledge. The county attorney shall appear for the state and cause witnesses to be subpoenaed, if necessary, in support of the report.

33 Effective Date. This act shall take effect November 1, 1973.

Rep. Kimon S. Zachos  
Rep. Anthony A. McManus  
Rep. Martha McD. Frizzell  
Rep. Anthony Stevens  
Conferees on the Part of the House  
Sen. David H. Bradley  
Sen. Harry V. Spanos  
Sen. Robert F. Bossie  
Conferees on the Part of the Senate

Sen. Bradley moved that the Senate concur with the committee of conference report, on HB 703.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 62

The committee of conference to which was referred House Bill 62, An Act relative to petitions for trust companies, savings banks or branch banking, having considered the same, report the same with the following recommendation:

That the House recede from its position of nonconcurrence in the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the House and Senate each adopt the following amendment to the bill:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

relative to the incorporation of trust companies and savings banks and relative to the establishment of branch banks.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Trust Companies. Amend RSA 392:6 (supp), as amended, by striking out said section and inserting in place thereof the following:

392:6 Notice. A notice in such form as said board shall approve, stating the date before which objections may be filed, shall then be published at least once a week for three successive weeks, in one or more newspapers to be designated by said board, one of which shall be a newspaper published in the city or town in which it is proposed to establish the corporation, if there be such, otherwise one published in the county in which said city or town is situated, the first publication of such notice to be within thirty days after said petition is filed with said board, and a copy of such notice shall be mailed to every bank, trust company or similar corporation located in said city or town. Any interested person or corporation may, within the time specified, file with the board a statement of objection to the granting of such petition.

2 Hearings for Trust Companies. Amend RSA 392 by inserting after section 6 the following new section:

392:6-a Hearing. Said board may, upon request of any interested person or corporation or at its own discretion, order a public hearing, or the board may approve said petition without a public hearing. Said hearing shall be held at the time and place fixed by the board and a notice shall be published in accordance with the provisions of RSA 392:6. The board may prescribe reasonable procedural rules to govern the proceedings. The board shall keep a permanent verbatim record of all such evidence.

3 Petition for Incorporation of Savings Banks. Amend RSA 386-A:4 as inserted by 1965, 279:1 by striking out said section and inserting in place thereof the following:

386-A:4 Petition. A petition requesting approval of the proposed incorporation shall be filed with the bank commis-

sioner. The petition shall be upon such form as may be prescribed by the bank commissioner and shall contain all the information required by such form, signed and verified under oath by the incorporators, to which shall be annexed a signed duplicate of the articles of agreement. An examination fee of five hundred dollars, payable to the bank commissioner, shall be paid when the petition is filed and may be used to defray the expenses of the proceedings on the petition, any remaining balance to be paid to the state treasury for the credit of the bank commissioner. The bank commissioner shall examine each petition and if he finds that it is duly completed, he shall forthwith refer the petition to the board of trust company incorporation. The bank commissioner shall then make such investigation of each petition as he considers expedient, for the purpose of more fully informing the board. Said board may, upon request of any interested person or corporation or at its own discretion, order a public hearing, or may approve said petition without a hearing. The petitioners shall cause to be published such notices relating to the petition as the board may order.

4 Notice of Public Hearing. Amend RSA 386-A:5 as inserted by 1965, 279:1 by striking out said section and inserting in place thereof the following:

386-A:5 Notice. If a public hearing upon the petition is ordered by the board under the provisions of RSA 386-A:4, notice of such hearing shall be caused to be published by the petitioners at least once a week for three successive weeks, in one or more newspapers designated by the commissioner. The notice shall be in such form as may be prescribed by the commissioner, setting forth the place, date, and hour of the hearing, the names, addresses and occupations of the incorporators, and the name of the proposed corporation, and such other information as the form may require. One of the newspapers shall be a newspaper generally circulating in the city or town where such bank is to be located. The first publication of such notice shall be within thirty days after the petition has been referred to the board by the commissioner. The petitioners shall also cause a copy of such notice to be mailed to every bank, trust company, or other corporation, described in RSA 384:1, located in the city or town where such bank is to be located, at least fourteen days before such hearing date. The petitioners shall furnish



the board with written proof of the publication and service of the notice under this section, on or before the commencement of the hearing.

5 Required Considerations. Amend RSA 386-A:6 as inserted by 1965, 279:1 by striking out said section and inserting in place thereof the following:

386-A:6 Considerations. Before acting on any petition, the board shall consider such evidence as may be presented by the petitioners and all other interested persons, firms and corporations, including members of the general public and shall keep a permanent record of such evidence. The petitioners shall submit to the board full information as to the identity and background of each person, firm or corporation who has subscribed to the initial capital of the proposed bank. In making its decision on each petition, the board shall not take favorable action unless it determines that:

I. The bank will serve a useful purpose in the community in which it is proposed to be established:

II. There is a reasonable expectation of its financial success;

III. Its operation will not cause undue injury to existing institutions that accept funds from savers on deposit or share accounts;

IV. The applicants are persons of good character and responsibility; and

V. There is reasonable prospect of raising such amount of initial capital funds as the board may determine to be reasonably necessary, but not less than the requirements provided in RSA 386-A:21.

6 Establishment of Branch Offices of Banks. Amend RSA 384-B:2, III, as inserted by 1963, 188:1, by striking out said paragraph and inserting in place thereof the following:

III. Written applications for branch offices shall be submitted by the bank, in the first instance, to the commissioner and shall be verified under oath and made upon forms which may be prescribed by him for the purpose with all the information required by such form fully set forth thereon, including the types of service to be offered at such branch office. Each application shall be accompanied by a fee of five hundred dollars



in the case of a new branch, and one thousand dollars in the case of a new branch as a result of consolidation, payable to the state treasurer, for the credit of the commissioner. The commissioner shall investigate and examine each application and if he finds that it is duly completed, he shall then refer the application to the board for consideration. A notice stating the date before which objections may be filed shall then be published by the petitioner in such form as the board may order. Any interested person or corporation may, within the time specified, file with the board a statement of objection to the granting of such application. Said board may, upon request of any interested person or corporation, or at its own discretion, order a public hearing, or may approve said application without a hearing. If a public hearing is to be held, the petitioners shall cause to be published such notices as the board may order. Said hearing shall be held at the time and place fixed by the board. The board shall keep a permanent verbatim record of all such evidence. The commissioner shall serve as chairman of the board. The board may prescribe reasonable procedural rules to govern its proceedings, and it may be convened to consider any pending business on call of the commissioner. There shall be no refund allowed on any application fee once it has been filed. In addition to the application fee, each applicant for a branch office shall be obligated to pay the reasonable cost of processing, hearing and deciding each such application, as assessed by the board, which cost may be collected by the commissioner in an action of debt unless paid within thirty days after demand.

7 Effective Date. This act shall take effect sixty days after its passage.

Sen. Andrew W. Poulsen  
Sen. Walworth Johnson  
Sen. John H. McLaughlin  
Conferees on the Part of the Senate  
Rep. L. Waldo Bigelow, Jr.  
Rep. Wayne E. Helie  
Rep. Stuart V. Nims  
Rep. Max W. Leighton  
Conferees on the Part of the House

Sen. Poulsen moved that the Senate concur with the committee of conference report on HB 62.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 96

The committee of conference to which was referred HB 96, An Act providing that alternate members may be appointed to zoning boards of adjustment, having considered the same, report the same with the following recommendation:

That the House of Representatives recede from its position of nonconcurrence with the Senate amendment and that the Senate recede in its position in adopting its amendment and that the House and Senate each adopt the following amendment to the bill:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Zoning Boards of Adjustment. Amend RSA 31 by inserting after section 67 the following new section:

31:67-a Alternates; Term, Vacancies. The board of adjustment of each municipality may also consist of not more than five alternate members. Whenever a regular member shall be absent, one of the alternates shall act in his place. Said alternate members shall be removable by the appointing authority upon written charges, and after public hearing in the same manner as provided in RSA 31:67. Vacancies among the alternates shall be filled for the unexpired term.

2 Appointments: Boards Presently Established. The legislative body of each municipality which has a board of adjustment may provide for the appointment of alternates as provided in RSA 31:67-a.

3 Effective Date. This act shall take effect sixty days after its passage.

Rep. Richard D. Hanson  
Rep. Stanley H. Williamson  
Rep. James A. Sayer  
Rep. Shirley K. Merrill  
Conferees on the Part of the House  
Sen. Andrew W. Poulsen  
Sen. Walworth Johnson  
Sen. Clesson J. Blaisdell  
Sen. Robert F. Preston  
Conferees on the Part of the Senate

Sen. Poulsen moved that the Senate concur with the committee of conference report on HB 96.

Adopted.

#### HOUSE CONCURRENCE WITH AMENDMENTS TO

HB 987, relative to the alternate salary of special justices of district courts.

HB 1016, which is an omnibus legalizing act legalizing certain town meetings of the towns of Andover, Conway, Hill, Lyndeborough, North Hampton, Pembroke, Sutton, and New Durham and of the school districts of Marlow, Pembroke and Colebrook and relative to the adoption of an optional fiscal year by Hillsborough county and validating certain proceedings of the Hillsborough county executive committee and Hillsborough county delegation.

HB 847, permitting inmates of county jails or house of correction to work at municipally owned recreational facilities or conservation projects.

HB 489, to make the police standards and training council a permanent state agency and making an appropriation therefor.

HB 678, establishing a committee to study rules and regulations promulgated by the welfare department as they are applied to day care centers.

HB 801, relative to expenses of county investigatory committee.

HB 843, establishing a postsecondary education commission to absorb the coordinating board of advanced education and accreditation and the New Hampshire higher education facilities commission.

HB 866, allowing local wineries to sell wine directly to the consumer at the winery.

HB 887, relating to salaries of district court justices, and to fees in civil cases in district courts.

HB 900, relative to the method of calculating state grants for sewage disposal construction.

HB 917, relative to the revision of city charters.

HB 932, establishing civil actions and investigations for violation of the state antitrust law.

HB 958, relative to the powers of executive committees of the county.

HB 975, relative to the use of recording devices in superior and district courts.

HB 986, relative to recovery of medical assistance from legally liable parties.

### HOUSE NONCONCURRENCE

SB 14, establishing standards of legislative ethics and referred it to a Special Committee consisting of four Senators appointed by the President of the Senate and four Representatives appointed by the Speaker of the House, said committee to report by February 28, 1974.

SB 127, to eliminate the blood test requirement for barbers and hairdressers and referred it to standing committee on Public Health and Welfare for interim study.

SJR 6, relative to retirement credit for Francis J. Donhaue.

SJR 11, relative to retirement credit for Kenneth Lewis.

SB 154, providing for certificate of need for health care facility capital expenditures.

### ENROLLED BILLS REPORT

HB 527, to provide for replacement volumes 5, 5-A and 6 for Revised Statutes Annotated and to provide a complete set of RSA for each standing committee of the house and senate and making an appropriation therefor.

HB 690, to provide that entry fees for small claims actions go to municipality in which the court is regularly located.

HB 793, providing for the state treasurer to establish a special fund for reimbursements received for prefinanced water pollution control projects.

HB 803, to reclassify the surface water of Nubansit Brook and the headwaters of Lake Skatutakee in the town of Harrisville.

HB 805, relative to indemnification agreements between

architects, engineers, or conveyors and owners, contractors or subcontractors.

HB 814, relative to sand eels.

HB 842, permitting permanently disabled veterans to have a perpetual hunting and fishing license.

HB 856, requiring the reporting of drownings and boating accidents upon New Hampshire waters.

HB 867, authorizing citis of more than eighty thousand population to appoint a director of human services.

HB 973, to amend the uniform commercial code with respect to the manner of transferring investment securities.

HB 1004, increasing the limit on the amount of bonds which may be guaranteed by the state for water supply and pollution control projects.

HB 1047, continuing the office space study committee.

SB 118, providing a twenty year statute of limitations on the legacy and succession tax for file purposes.

Sen. Provost  
*For The Committee*

#### HOUSE NON-CONCURRENCE AND REQUEST FOR A COMMITTEE OF CONFERENCE ON

HB 889, providing means for settlements of disputes, between public school teachers and school districts or supervisory unions and for other purposes. The speaker has appointed as members of said committee of conference on the part of the House Reps. Merrill, Stevenson, French and Coutermarsh.

On motion by Sen. Bradley the Senate voted to accede to the request for a committee of conference.

Adopted.

The chair appointed as members to said committee, Sens. Bradley, Bossie and Ferdinando.

HB 671, prohibiting the use of motorboats on Willard Pond in Antrim.

The speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Boyd, Dorothy Davis, Sara Townsend and Oleson.



On motion by Sen. Blaisdell, the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee, Sens. Blaisdell, Preston and Brown.

HB 478, permittin gthe sale of tickets known as lucky seven at beano games sponsored by charitable organization subject to rules and regulations established by the sweepstakes commission and payment of a fifteen per cent tax.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Huot, Ferguson, Nardi and Hall.

On motion by Sen. Downing, the Senate voted to accede to the request for a committee of conference.

The Chair appointed as members to said committee, Sens. Sanborn, Downing and Blaisdell.

HJR 5, making an appropriation for the purchase and installation of an electronic roll call system for the house of representatives.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Ellis, Plourde, Raymond, and Scamman.

On motion by Senator Brown the Senate voted to accede to the request for a committee of conference.

The Chair appointed as members to said committee Senators Brown, Foley and Trowbridge.

HB 395, relative to consumer credit.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Bartlett, Deoss, E. Wiggin, and Gelinas.

On motion by Senator Bradley the Senate voted to accede to the request for a committee of conference.

The chair appointed as members to said committee, Senators Bradley, Bossie, and Ferdinando.

HOUSE ADOPTION OF ENROLLED  
BILLS AMENDMENTS

HB 1020, to enable the director of the division of public health to have the option of designating an alternate to represent him on certain boards and commissions.

HB 708, relative to fraudulent receipt of welfare assistance.

HB 634, limiting political advertising and limiting certain advertising along primary and secondary roads.

## ENROLLED BILLS AMENDMENT

HB 799, establishing a committee to study the financing of New Hampshire airports.

## AMENDMENT

Amend section 1 of the bill by striking out line nine and inserting in place thereof the following:

assistance to the committee.

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment adopted.

HB 911, prohibiting the use of outboard motors of more than six horsepower on the Merrymeeting River.

## AMENDMENT

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Merrymeeting River. Amend RSA 486 (supp) as amended by 1973, 220:1 by inserting after section 16 the following new section:

486:17 Merrymeeting River. On and after the effective date of this act,

Sen. Blaisdell moved that the Senate concur with the amendment.

Amendment adopted.

HB 708, relative to fraudulent receipt of welfare assistance.

## AMENDMENT

Amend RSA 167:17-b as inserted by section 2 of the bill by striking out line four and inserting in place thereof the following:

RSA 167 to which he is not entitled; or

Further amend said section by striking out line seven and inserting in place thereof the following:

suant to RSA 167 without the consent of the director of welfare; or

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment adopted.

HB 634, relative to any type of advertising attached to objects of nature whether such advertising be upon primary or secondary roads.

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

limiting political advertising and limiting certain advertising along primary and secondary roads.

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

HB 1020, to enable the director of the division of public health to have option of designating an alternate to represent him on certain bonds.

## AMENDMENT

Amend section 4 of the bill by striking out the second, third and fourth lines and inserting in place thereof the following:

by 1965, 368:1 and amended by 1973, 42:1 by inserting in line three after the word "services" the following (or his designated

alternate) so that said paragraph as amended shall read as follows:

Further amend said section by striking out lines 8 and 9 and inserting in place thereof the following:

or his designated alternate, the director of the division of resources development, the director of the fish and game department, or the chief of game management and research, the state entomologist,

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

Sen. FOLEY: I move that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the readings of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and that when we adjourn we adjourn until tomorrow morning at 9:00 a.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 577, repealing certain provisions relative to cruelty to children at child-caring agencies.

HB 408, providing for notification to employee under group or blanket accident and health insurance policy that premium is not remitted.

HB 327, permitting various types of financial institutions in New Hampshire to organize and/or participate in service corporations.

HB 820, relative to limitations on the investment authority of building and loan associations, cooperative banks and savings and loan associations.

HB 117, relative to the qualification of municipal planning board members.

HB 348, relative to notice of hearing by zoning board of adjustment.

HB 664, amending the conservation commission enabling act and permitting town planning board members to serve on other municipal boards or commissions.

HB 739, relative to the selection of engineers and architects.

HB 857, permitting public employees to enter into a deferred compensation plan.

HB 874, relative to procedure for towns, cities or counties to adopt fiscal year accounting and incurring debt during transition period.

HB 891, relative to all county accounting reports.

HB 506, permitting village districts to be formed for purposes of impounding water.

HB 591, amending the Rochester city charter by increasing the size of the city council and the school board from twelve to fifteen elected members each, and providing for the election of three members each from each ward for two year terms.

HB 802, permitting the city of Franklin to suspend the verification of the checklist and ratifying the verification and updating of the checklist by the city of Nashua.

HB 859, legalizing the annual town meeting of the town of Wolfeboro.

HB 898, relative to the authority and rights of appointed chiefs of police.

HB 1045, permitting the city of Dover to draw water from the Isinglass River in the city of Rochester.

HB 976, relating to savings bank investments in mobile home loans.

HB 897, relative to the board and care of persons committed to the Laconia state school and training center, the NH hospital or the NH home for the Elderly.

HB 539, establishing civil procedures relating to the admission and treatment of the mentally ill and making an appropriation therefor.

HB 748, relative to the definition of accidents for the rating of insurance policies.



HJR 32, establishing an interim study committee to study an administrative procedure act and draft a legislative proposal and making an appropriation therefor.

HB 503, establishing an administrative procedure act and making an appropriation therefor.

HB 150, providing for solid waste disposal and resource recovery.

HB 818, relative to the administration of the revenue laws.

HB 836, expanding the jurisdiction of the public utility commission to regulate water companies as public utilities, except for municipal water companies.

HB 747, concerning conservation and preservation restrictions on real property.

HB 773, relative to unsolicited merchandise and unfair trade practices.

HB 1035, relative to corporations with only two shareholders.

HB 910, relative to protecting consumers in the sale of consumer goods.

HB 644, relative to the holder in due course doctrine.

HJR 47, JOINT RESOLUTION, providing for a legislative committee to study the means of implementing a furlough system at the New Hampshire State Prison and providing for indemnification of state prison personnel in connection with claims by inmates.

HB 429, relative to the elimination of citizenship requirements for public assistance and relative to the local share of assistance in old age assistance, and aid to permanently and totally disabled and work incentive program.

HB 912, conforming state pollution control statutes to the federal requirements.

HB 1027, amending in general the workmen's compensation laws.

HB 257, relative to the prohibition of certain promotional games at gas stations.

HB 208, relative to classification of highways, highway aid apportionment and highway regulation.

HB 734, relative to the establishment of new positions in the county government of Hillsborough county.

Sen. Lamontagne moved the Senate adjourn at 5:50 p.m.

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### *Thursday, 21Jun73*

The Senate met at 9:00 a.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O Lord, we thank Thee for the beauty of this first day of summer; and the opportunity it offers unto us to show our appreciation for each other and the abilities which we all ought to have in our deliberations.

Grant unto us the strength of our convictions and the power to carry on and to perform the same; and thus be able to stand upright in dignity and with honor. Amen.

Pledge of Allegiance was led by Paul Tosi, and David Lauren, Senate Aides.

### HOUSE MESSAGES

#### HOUSE REQUESTS CONCURRENCE WITH AMENDMENTS TO

SB 152, relative to liquidity requirements of building and loan associations, cooperative banks, and savings and loan associations.

(See House Journal June 20)

Sen. Poulsen moved that the Senate concur with the amendment.

Amendment adopted.

SB 51, to provide workmen's compensation benefits to all

persons who assist in fighting forest fires or any fires under the direction of fire-fighting personnel authorized to give direction.

(See House Journal June 20)

Sen. Poulsen moved that the Senate concur with the amendment.

Amendment adopted.

SB 268, conforming civil actions commenced by attachment and/or trustee process to constitutional due process limitations.

(See House Journal June 20)

Sen. Bossie moved that the Senate concur with the amendment.

Amendment adopted.

SB 265, relative to witness fees for law enforcement officials.

(See House Journal June 20)

Sen. Bossie moved that the Senate concur with the amendment.

Amendment adopted.

#### HOUSE CONCURRENCE

SB 23, to clarify and make fairer the procedure relating to the appointment of guardians for mentally incompetent persons.

SB 97, relative to the discipline of students on school buses.

SB 209, relative to free parking in municipal parking areas.

SB 164, clarifying and making co-equal the terms, shares and deposits, and shareholders and depositors under RSA 393 which regulates building and loan associations.

SB 236, providing due process in the right of appeal for suspended state employees.

SB 170, increasing the number of members of the Boundary Commission, including a commercial fisherman, and provid-

ing for a study of both the Maine and the Massachusetts boundaries with New Hampshire.

SB 63, relating to arrest without a warrant.

SB 101, establishing a public defender system for Merrimack and Hillsborough counties.

SB 247, relative to the civil action of replevin.

### COMMITTEE REPORTS

#### HB 514

relative to representative school district voting rights in supervisory union matters. Ought to pass with amendment. Sen. Preston for the Committee.

### AMENDMENT

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1 Right to Cast Votes in Supervisory Union Election Matters. Amend RSA 189:46 (supp), as amended, by striking out said section and inserting in place thereof the following:

189:46 Additional Voting Rights. In voting on the selection of supervisory union personnel, the salaries relating thereto, and all other business required for the operation of a supervisory union office, each district employing more than eight full-time teachers for pay shall be entitled to one additional vote for each five teachers or major part thereof regularly employed during the current year in excess of eight. Such additional votes shall be cast on the basis that each representative present shall be entitled to vote an equal proportion of the additional votes available.

Sen. PRESTON: The original bill would have had a detrimental effect on the receiving towns, it would have cut their voting rights almost in half.

Amendment Adopted. Ordered to third reading.

#### HB 1023

providing that failure to comply with requirement for notice of, and holding of, a public hearing of the county budget shall constitute prima facie evidence of willful neglect of duty.

Ought to pass with amendment. Sen. Johnson for the Committee.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 County Budget. Amend RSA 24 by inserting after section 23 the following new sections:

24:24 Filing The final form of the county budget prepared in accordance with RSA 24:21, shall be filed with the secretary of state's office no later than thirty days after the adopting of the budget. Prior to said filing, the budget shall be signed by the chairman and clerk of the county commission.

24:25 Penalty. Failure to comply with the requirements of RSA 24:21-24 shall constitute prima facie evidence of a violation of RSA 643:1.

2 Effective Date. This act shall take effect November 1, 1973.

Sen. JOHNSON: Mr. President, HB 1023 provides that the county commissioner shall submit a finalized budget signed by the chairman and clerk and the secretary of state. Under RSA 24 section 21 only an estimated budget is filed. This came about through an oversight in the law.

Sen. GREEN: I rise in support of the bill as amended by the committee, however, I do see something which interests me because this particular bill uses the concept of prima facie evidence and this apparently has passed the House and in the House recently a bill that I sponsored came in and was apparently defeated due to this basic concept.

Amendment Adopted. Ordered to third reading.

### HB 508

certain centralized land acquisition procedures; establishing a natural heritage conservation fund, making an appropriation therefor, and authorizing the issuance of bonds for such fund. Ought to pass with amendment. Sen. Foley for the Committee.



## AMENDMENT

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Appropriation. The sum of one million dollars is appropriated to the natural heritage conservation fund as provided in RSA 162-C:2-c, as inserted by section 1 of this act, for land acquisition and study purposes. In addition, the sum of one million dollars is appropriated from federal funds for the same purpose. The sum of two hundred thousand dollars is appropriated to the emergency opportunity account within the natural heritage conservation fund to carry out the purposes of RSA 162-C:2-a-c, as inserted by section 1 of this act. All sums hereby appropriated shall be continuing and shall not lapse.

4 Bonds Authorized. To provide funds for the appropriations of state funds made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of one million two hundred thousand dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Provided, however, that the bonds issued for the purpose herein shall have a maturity date of twenty years from the date of issue. Payment of principal and interest on said bonds and notes shall be made when due from the general funds of the state.

5 Effective Date. This act shall take effect sixty days after its passage.

Sen. FOLEY: This bill would provide a centralized procedure for land acquisition by state agencies. The amendment in this bill simply cuts the appropriation in half. The sum is one million dollars.

Amendment Adopted.      Ordered to third reading.

**HB 1028**

establishing the New Hampshire Transportation Authority; and making an appropriation therefor. Ought to pass with amendment. Sen. Foley for the Committee.

## AMENDMENT

Amend section 4 of the bill by striking out the same and inserting in place thereof the following:

4 There is hereby appropriated for the New Hampshire transportation authority for the fiscal year ending June 30, 1974, the sum of fifty thousand dollars; and a like amount for the fiscal year ending June 30, 1975. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1973.

Sen. FOLEY: Mr. President, this bill establishes the New Hampshire Transportation Authority as a public corporation with a board of five directors. They will study the need for public mass transportation.

Amendment Adopted. Ordered to third reading.

#### HB 433

increasing the state's payment of group hospital and medical insurance for state employees and to provide ordinary death benefits for certain group I members of the New Hampshire retirement system. Ought to pass. Sen. Foley for the Committee.

Sen. GREEN: HB 433 came out of the Finance Committee with an ought to pass recommendation. This bill is trying to provide 2 million dollars so that the state will pay total membership premiums per state employee. This is a retirement program. This bill also provides for death benefits.

Adopted. Ordered to third reading.

#### HB 266

relative to salary increases upon certification and eligibility for certification of certain medical personnel. Ought to pass. Sen. Foley for the Committee.

Sen. FOLEY: This bill would allow the Governor and Council upon request to increase the annual salary of unclassified or classified employees by a thousand dollars if they are eligible for certification by any medical or surgical specialty award.

Adopted. Ordered to third reading.

#### HB 202

outlining procedures and providing for search and rescue operations and making an appropriation therefor. Ought to pass. Sen. Green for the Committee.

Sen. GREEN: HB 202 is a bill which deals with search and rescue operations. This bill establishes the procedure for search and rescue operations which is apparently needed.

Adopted.      Ordered to third reading.

Sen. Blaisdell wished to be recorded as being in strong support of HB 202.

Sen. Johnson moved that the rules of the Senate be so far suspended as to allow for the introduction of a Resolution without public hearing and notice in the Journal.

Adopted.

### HCR 17

memorializing Congress to provide for the transfer of Old Ironsides to the Portsmouth Naval Shipyard.

*Whereas*, the USS Constitution, also known as Old Ironsides, is an historic vessel which has long been a part of the history and culture of New England; and

*Whereas*, Old Ironsides is currently berthed at the Boston Naval Shipyard, which will be closed in the immediate future and would no longer be able to maintain Old Ironsides; and

*Whereas*, the citizens of the state of New Hampshire wish to retain Old Ironsides in the New England area where it belongs because of history and tradition; and

*Whereas*, the Portsmouth Naval Shipyard will continue to serve the New England area and could provide the necessary visitation and maintenance facilities for an historic vessel such as Old Ironsides;

Now Therefore Be It Resolved by the House of Representatives, the Senate concurring:

That the Legislature of the State of New Hampshire hereby expresses its desire that Old Ironsides be transferred to the Portsmouth Naval Shipyard upon the close of the Boston Naval Shipyard and be maintained there for visitors to inspect and appreciate; and

That the Legislature memorialize the New Hampshire representatives to the Congress of the United States to take immediate action to implement the above request; and

That copies of this Resolution be forwarded to the Washington office of each of the United States senators and representatives from the State of New Hampshire.

Sen. JOHNSON: This is on behalf of the Sea Side Committee and this resolution memorializes Congress to provide the transfer of Old Ironsides to the Portsmouth Naval Shipyard.

Sen. FOLEY: I rise in support of this.

Adopted.

### **HB 970**

relative to the operation of motorboats on Big Pea Porridge Pond in the town of Madison. Referred to interim study committee composed of the Senate Recreation Committee, the House Fish and Game Committee, and the State Department of Safety and the State Fish and Game Department.

Sen. BLAISDELL: Mr. President, HB 970 concerning Big Pea Porridge Pond in the Town of Madison, probably caused one of the most controversial hearings that we had in our committee this session. We have finally come down to the point where we would recommend that this be referred to an interim study committee which contained representation of the Senate Recreation and Development Committee, the House Recreation Committee, the State Department of Safety and the State Fish and Game Department. I strongly recommend that we send this to interim study committee.

Sen. POULSEN: Mr. President, this Big Pea Porridge Pond although I've never seen it is in my senatorial district and I have gotten as much mail and telephone calls on this subject as I have ever gotten on any subject. I feel strongly for the people who object to the big boats and the water skiing. At the same time I don't feel that we know enough to make a blank ruling. And this should have study.

Adopted.

### **HB 603**

relative to sale of ice cream by weight. Inexpedient to legislate. Sen. McLaughlin for the Committee.

Sen. McLaughlin moved that HB 603 be referred to an interim study committee, on Public Health, Welfare and State Institutions.

Sen. MCCLAUGHLIN: HB 603 is concerned more about the contents of the ice cream rather than the weight. A lot of research has been done on this and in essence it would be an expensive situation to mark all the labels and then the price of ice cream would be raised with it.

Sen. FOLEY: I rise in favor of the motion to put this in interim study.

Sen. PRESTON: I concur with Sen. Foley.

Adopted.

Sen. Blaisdell wished to be recorded as being in strong support of HB 603.

## HB 7

providing that resident persons who have attained the age of sixty-five shall be admitted without charge to certain state recreational areas and allowed the use of facilities therein without charge. Ought to pass with amendment.

## AMENDMENT

Amend RSA 218:5-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

218:5-b Admission Without Charge. Any person who is a resident of this state and who has attained the age of sixty-five shall, upon proper identification, be admitted to any state recreation area, including but not limited to parks, historical sites, beaches and ski areas, without charge. Persons qualifying under this section shall be allowed to use any state owned facility within the recreation area without charge for the use of the facility, except persons qualifying under this section shall be charged the usual fee for the use of so-called "uphill devices" on Saturdays and Sundays. Provided further that other special charges at state owned recreation areas, such as fees charged for parking meters, shall be charged persons qualifying under this section at the usual rates. The provisions of this section shall not apply to state owned campsites or camping areas.

Sen. BROWN: Mr. President, HB 7 would allow persons over 70 admitted free and those 65 or older at half price.

Sen. BLAISDELL: Mr. President and members of the Senate I rise in support of the committee report.



Sen. BRADLEY: I want to rise in support of HB 7.

Sen. FOLEY: I also want to rise in support of HB 7.

Amendment Adopted.      Ordered to third reading.

**HB 477**

regulating food service establishments. Refer to Interim Study Committee on Health, Welfare and State Institutions. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: We had a long hearing on this bill and in essence what we are not clear about in this bill is who will give the penalties and who will close down businesses in the state of New Hampshire. There are rules and regulations in here whereupon businesses can be closed down without much chance to appeal and this would have a high appropriation so we want this to go to the study committee.

Adopted.

**HB 296**

requiring accident and health insurers and all medical and hospital service corporations to pay claims in spite of payment by another company. Ought to pass. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President, in essence what this bill does if you belong to a group insurance and your wife does also you do not get double coverage. However on individual policies they will be required under this act to pay for whatever your bills are in reference to what their charges are for the premium.

Adopted.      Ordered to third reading.

**HB 10**

relative to the registration and operation of off highway recreational vehicles and making an appropriation therefor. Ought to pass as amended. Sen. Blaisdell for the committee.

**AMENDMENT**

Amend RSA 269-C:13 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

269-C:13 Enforcement.

I. The provisions of this chapter shall be enforced by all duly authorized representatives of the department of safety and by every police and law enforcement officer including, but not limited to, conservation officers of the fish and game department, members of the state police, sheriffs, deputy sheriffs, policemen, and constables and all persons empowered to make arrests in criminal cases.

II. The commissioner of the department of resources and economic development shall appoint a supervisor of the bureau of off-highway recreation vehicles, who shall have additional duties as state parks and forest security officer and shall be classified in the state police and fish and game law enforcement series with authority under RSA 594. The commissioner of the department of resources and economic development shall, at his discretion, also appoint bureau of off-highway recreation vehicles area supervisors and foremen, who shall be peace officers for the purposes of RSA 594.

Amend RSA 269-C:26 as inserted by section 1 of the bill by striking out in line one the word "lands" and inserting in place thereof the following (trails), so that said section as amended shall read as follows:

269-C:26 State Parks and Forests. All trails under the jurisdiction of the department of resources and economic development so far as possible and consistent with their primary functions, shall be made available for use by OHRVs subject to the fees, rules, and regulations as established by the directors of the division of parks and the division of resources with the approval of the commissioner of resources and economic development.

Amend paragraph I as inserted by section 6 of the bill by striking out said paragraph and inserting in place thereof the following:

FY 1974    FY 1975

I. Resources and Economic Development:

Administration and support:

Off-Highway Recreation Vehicle

Bureau:

## Personal Services:

## Permanent:

1 Supervisor of OHRV Bureau	\$10,097	\$10,690
1 Clerk Steno III	5,629	5,883
2 Area Supervisors	12,536	13,044
Other	20,000	20,000
Current Expenses	29,200	29,200

## Travel:

In State	2,000	2,000
Out of state	1,000	1,000

Equipment	37,650	25,500
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## Other Expenditures:

Benefits	4,340	4,431
and structures to cross streams, etc.	61,776*	102,074*

Total	\$184,228**	\$213,822**
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\*This appropriation shall not lapse and shall be matched with any available federal BOR funds and shall not be transferred or used for any other purpose.

\*\*If the total off-highway recreation vehicle fees are less than \$475,160 estimated, this appropriation shall be reduced by the amount of reduction in off-highway recreation vehicle estimates proportionately between the Department of Resources and Economic Development and the Fish and Game Department.

Sen. BLAISDELL: Mr. President and members of the Senate, HB 10 is known as the snowmobile bill and it was introduced by Rep. French. I can't say enough for the amount of work that this representative and his committee has done for this bill. We feel this ought to pass.

Sen. POULSEN: Mr. President, I rise in support of this bill.

Sen. PRESTON: I'd like to go on record as strongly supporting this bill.

Amendment adopted.      Ordered to Finance.

Sen. Porter moved that HB 633 be taken from the table.

Adopted.

**HB 633**

relative to the maximum amounts of group life insurance for employees. Ought to pass with amendment. Sen. McLaughlin for the Committee.

**AMENDMENT**

Amend the bill by striking out all after section 4 and inserting in place thereof the following:

5 Assignment. Amend RSA 408 by inserting after section 16 the following new section:

408:16-a Assignment of Interest. Subject to the terms of the policies relating to assignment of incidents of ownership thereunder, a person whose life is insured under a group life insurance policy may assign any and all incidents of ownership granted him under such policy or by law, including but not limited to the right to designate a beneficiary, to exercise the conversion privilege, to have an individual policy issued to him and to pay premiums. This provision shall be construed as declaring the law as it existed prior to its enactment and not as modifying it.

6 Effective Date. This act shall take effect sixty days after its passage.

Sen. MCLAUGHLIN: The amendment to this bill was approved by the Banks and Insurance committee and in essence what it means is that you are going to sign your policies to a third party, which wasn't previously in the bill.

Amendment Adopted.      Ordered to third reading.

**HB 784**

relative to hawkers and peddlers and street sales. Ought to pass with amendment. Sen. Bradley for the Committee.

**AMENDMENT**

Amend RSA 320:1 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

320:1 Definition. Except as hereinafter expressly provided, the terms "hawker" and "peddler" as used in this chapter shall mean and include any person (as defined by RSA 358-A:1)

either principal or agent, who goes from town to town or from place to place in the same town, or from a temporary place of business, carries for sale or barter, or exposes therefor, any goods, wares or merchandise. Without limiting the foregoing, the terms "hawker" and "peddler" shall mean and include any person, either principal or agent, who goes from town to town, or from place to place in the same town, offering to perform personal services for household repairs or improvements, or solicits or induces any person to sign any contract relating to household repairs and improvements, including contracts for the replacement or installation of siding on any residence or building.

Amend RSA 321:1 as inserted by section 4 of the bill by striking out said section and inserting in place thereof the following:

321:1 Defined. For all purposes of this chapter the words itinerant vendors mean all persons, (as defined by RSA 358-A:1), both principals and agents, who engage in a temporary or transient business in this state, either in one locality or traveling from place to place, selling goods, wares and merchandise from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hire or occupy any room, building or structure for the exhibition and sale of such goods, wares and merchandise or samples.

Amend RSA 570:8-b as inserted by section 9 of the bill by striking out said section and inserting in place thereof the following:

570:8-b Temporary Sales Locations. The governing body of a city, town or village district may make, by ordinance or by-law, provisions for the granting of licenses to itinerant vendors, hawkers, peddlers, traders, farmers, or merchants to sell or take orders for merchandise from parked motor vehicles, push carts, temporary stands or other stationary temporary outlets at such locations and subject to such conditions, fees and terms as the public convenience and safety demands.

Sen. BRADLEY: Mr. President, this bill amends the statute of peddlers in several ways; the amendment was twofold. The first part is to make it clear that we are not trying to cover people who are selling on a wholesale basis for resale. The second part is to clean up the section on specifying special sales locations by the town. This provides for a local control.



Sen. PRESTON: Essentially, Senator, this allows local control of such activities?

Sen. BRADLEY: That's right. The present problem in this area as you may recall, is that there was a state license fee adopted which has lead to the confusion as to whether the local district or town has any control.

Sen. R. SMITH: The amendment is necessary to place the new section in RSA chapter 486 which has been amended in this section. A section of RSA 204-A was deleted because the reference material was in the chapter of the RSA's that this bill repeals, however the references cited have been included in RSA 204-A including RSA 204-A:4.

Amendment Adopted. Ordered to third reading.

## HOUSE MESSAGES

### ADOPTION ENROLLED BILLS AMENDMENTS

HB 979, establishing the Portsmouth Union School District and giving such district independent fiscal and appropriating powers.

HB 505, to delete the position of warden and deputy warden of the state prison from the list of positions which are entitled to maintenance and to increase the statutory salary for each of these positions.

HB 1017, relative to hunting in special designated areas by certain disabled persons.

HB 911, prohibiting the use of outboard motors of more than six horsepower on the Merrymeeting River.

HB 799, establishing a committee to study the financing of New Hampshire airports.

### ENROLLED BILLS AMENDMENTS

HB 689, relative to prohibiting the use of petroleum powered boats on Mount William Pond in the town of Weare.

### AMENDMENT

Amend section 1 of the bill by striking out line one and inserting in place thereof the following:

1 Mount William Pond. Amend RSA 486 by inserting after section 17

Further amend said section by striking out line three and inserting in place thereof the following:

486:18 Mount William Pond. On and after the effective date of this act,

Amendment adopted.

HB 470, establishing a New Hampshire Housing Commission; and making an appropriation therefor.

#### AMENDMENT

Amend RSA 204-A as inserted by section 1 of the bill by striking out 204-A:4 and renumbering RSA 204-A:5; 204-A:6; 204-A:7; 204-A:8; 204-A:9; 204-A:10; 204-A:11; 204-A:12; and 204-A:13 to read respectively, as follows:

204-A:4	204-A:5	204-A:6
204-A:7	204-A:8	204-A:9
204-A:10	204-A:11	204-A:12

Amend the newly numbered RSA 204-A:4 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

204-A:4 Powers, Functions and Duties of the Commission. The commission shall have the following functions, powers and duties:

I. To explore all sources of federal funding for housing and housing related projects and programs; to accept loans, grants, contributions and other financial assistance; to acquire, lease, hold, and operate real property; to engage in and administer housing and housing related projects and programs including, but not limited to programs and projects under sections 10 (c) and 23 of the United States Housing Act of 1937, as amended;

II. To enter into contracts for loans, grants, contributions or other financial assistance with the federal government; to enter into contracts with other state agencies, municipalities and counties of the state, public corporations or bodies, and private corporations or individuals.

III. To perform such other functions as may be necessary

to carry out the powers and duties stated in this chapter, or as may be authorized or delegated to it by the governor and council or the legislature.

IV. To adopt such regulations for carrying out the terms of this chapter as it shall find necessary and desirable;

V. To collect and correlate information regarding housing projects and housing laws either within or without the state, and upon request to furnish local housing authorities, cities or towns, information and advice in connection with any housing project;

VI. To enforce any of its authorized orders in the courts of the state.

Amend the newly numbered RSA 204-A:5 as inserted by section 1 of the bill by striking out line five and inserting in place thereof the following:

The date of their appointment, but thereafter commissioners shall be appointed

Amend the newly numbered RSA 204-A:7 as inserted by section 1 of the bill by striking out line three and inserting in place thereof the following:

Whenever two commissioners so request. Three commissioners shall constitute

Amend the newly numbered RSA 204-A:10 as inserted by section 1 of the bill by striking out line one and inserting in place thereof the following:

204-A:10 Exempt from Public Works and Highway Supervision. Any project or

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Repeal. RSA 204, relative to housing projects, is hereby repealed.

Sen. R. Smith moved the Senate concur with the amendment.

Amendment adopted.

RECESS UNTIL 11:30 A.M.

## OUT OF RECESS

## ENROLLED BILLS AMENDMENTS

HB 14, abolishing the six month residency requirement for voting.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

abolishing the six month residency requirement for voting; repealing the provision for transfer cards; and providing that voters must be registered ten days before an election.

Amendment adopted.

HB 123, providing for the acquisition of the Kelley Falls dam and water rights by the water resources board and making an appropriation therefor.

## AMENDMENT

Amend section 1 of the bill by striking out line one and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after Chapter 482-F the following new chapter:

Further amend said section by striking out line three and inserting in place thereof the following:

## Chapter 482-G

Amend the bill by renumbering RSA 428-F:1, 2 and 3 as inserted by section 1 to read 428-G:1 428-G:2 428-G:3 respectively.

Amendment adopted.

## SUSPENSION OF RULES

Sen. Downing moved that the rules of the Senate be so far suspended as to allow for introduction of committee reports on the following bills without previous advertisement in the Journal: HB 206, HB 624, HB 557, HB 141, HB 798, HB 901, HB 862, HB 862, HB 760, HB 869, HB 547, HB 913.

Adopted.

**HB 206**

relative to the distribution of resident tax revenues. Ought to pass. Sen. Downing for the committee.

Sen. DOWNING: Mr. President, HB 206 deals with the resident tax of \$10. Originally this bill started out as a repeal of that tax. The form in which it came to the Ways and Means Committee, it was amended so that all of the tax would remain in effect but all would be returned to the cities and towns. This would mean an additional excess of three million dollars on the biennium to the cities and towns.

Adopted.      Ordered to third reading.

**HB 624**

relative to payment of business profits tax. Inexpedient to legislate. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, HB 624 addresses itself primarily to seasonal businesses wanting to not file their anticipated tax. This doesn't seem to be much of a problem and we have only had two requests for these to date.

Adopted.

**HB 557**

exempting dividends of New Hampshire bank holding companies from the interest and dividend tax. Inexpedient to legislate. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, HB 557 the committee felt that there was some merit to this bill and they are waiting for the communication from the Department of Interest and Dividends and there just doesn't seem to be justification for it now.

Adopted.

**HB 141**

relative to modification of the business profits tax. Ought to pass with amendment. Sen. Downing for the Committee.

~ AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Exemption from Filing Return. Amend RSA 77-A:6, I, as



inserted by 1970, 5:1, by striking out said paragraph and inserting in place thereof the following:

I. Commencing July 1, 1970, every business organization having gross business income in excess of six thousand dollars as defined by RSA 77-A:1, VI, during the taxable period, shall before the first day of the fifth month following expiration of its taxable period, make a return to the commission under such regulations and in such form or manner as the commission may prescribe. Returns shall contain full data as to all matters required by the commission for correct computation of taxable business profits and the tax assessed thereon. All returns shall be signed by the taxpayer or by its authorized representative, subject to the pains and penalties of perjury.

Further amend the bill by striking out section 2 and renumbering section 3 to read 2.

Further amend the bill by striking out all after section 2 as renumbered and inserting in place thereof the following:

3 Assessment of Late Filing Fee Discretionary. Amend RSA 77-A:6, III (supp), as inserted by 1971, 515:7, by inserting at the end thereof the following (Imposition of a penalty in the form of a late filing fee as provided in this paragraph shall be at the discretion of the tax commission.) so that said paragraph as amended shall read as follows:

III. Any business organization which fails to file any return or declaration at the time prescribed in this section or at the time prescribed by a duly granted extension under RSA 77-A:9 shall pay at the time the return or declaration is filed, in addition to any tax liability and without assessment or demand, a late filing fee of ten dollars for each thirty day period or fraction thereof which has elapsed between the prescribed filing date and the date of actual filing. Imposition of a penalty in the form of a late filing fee as provided in this paragraph shall be at the discretion of the tax commission.

4 Effective Date. Sections 1 and 2 of this act shall apply to returns and taxes due on account of taxable periods ending after December 31, 1973. Section 3 shall take effect upon passage.

SEN. DOWNING: Mr. President, this bill effects the Business Profits Tax and it would lower the gross business income from \$12,000 to \$6,000. This would effect corporations, would

close off a point of considerable leakage as far as the Department was concerned.

Sen. FERDINANDO: Can you explain what lowering the costs are?

Sen. DOWNING: Yes, the amount of gross business income. It would reduce the qualifications from \$12,000 to \$6,000.

Sen. FERDINANDO: Does the existing statutes say that you have to have a volume?

Sen. DOWNING: The bill as it came from the House said that you had to have \$12,000.

Amendment adopted.      Ordered to third reading.

#### **HB 798**

dealing with employment compensation. Ought to pass with amendment. Sen. Downing for the Committee.

#### **AMENDMENT**

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Appeals to Court. Amend RSA 282:5, G, as amended, by striking out said paragraph and inserting in place thereof the following:

#### **G. APPEALS TO COURT.**

(1) Any interested party aggrieved by any decision of an appeal tribunal in proceedings under this chapter may, within ten days after the date of mailing of such decision, request the commissioner to direct the appeal tribunal to reopen the case and hold a further hearing to reconsider the case on the grounds of fraud, mistake or newly discovered evidence (as required in paragraph E of this section), and may, within ten days after the date of mailing of the decision of the commissioner which finally refuses the request for reopening of the case, appeal therefrom to the superior court in the manner provided in subparagraph (2) of this paragraph.

(2) Appeal to superior court shall be to the superior court for the county in which is located the employment bureau or branch in which the original claim was filed. The appeal shall be perfected by filing a petition with the clerk of said superior

court within the time limits specified, and such petition must set forth specifically the grounds upon which it is claimed that the decision is in error, and no bond shall be required as a condition of entering such appeal. Thereupon the clerk of said superior court shall issue a citation for service by the petitioner at least thirty days before the return day on all interested parties as identified by the petition, including in every case the commissioner. The commissioner shall file with said clerk a certified copy of the record on the claim which shall, upon being so filed, be the evidence of the case. The findings of the appeal tribunal, if supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of the court shall be confined to questions of law. The appeal shall be heard in a summary manner. An appeal may be taken from the decision of the superior court to the supreme court in the same manner as is provided in other civil actions. Upon the final determination of such judicial proceeding, the commissioner shall enter an order in accordance with such determination.

(3) Any interested party aggrieved by any decision in proceedings under RSA 282:14-D may appeal in the manner as is otherwise provided in this section.

(4) A petition of appeal shall not act as a supersedeas or stay.

(5) The commissioner may of his own motion transfer to the supreme court any question of law arising in the administration of this chapter.

Sen. DOWNING: Mr. President, HB 798, basically the amendment puts HB 798 back into the order that it was submitted in the House. The House made substantial amendment to it. What the bill deals with is an increase in the unemployment benefits. It repeals two discriminatory provisions relative to this and it increases the per diem payments. The bill is an agreed bill initiated by the Advisory Council on Unemployment Compensation.

Sen. FERDINANDO: Sen. Downing, what's happening with the Workmen's Compensation?

Sen. DOWNING: This is the Unemployment Compensation not Workmen's Compensation.

Amendment Adopted.      Ordered to third reading.

(Sen. Spanos in the Chair)

**HB 901**

relative to the exemption on real property taxes granted to the blind. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, this bill merely increases the exemption for people who are legally blind, on their real estate taxes by \$1,000 to \$5,000 up to the age of sixty-five. It is much the same as SB 213 introduced by Sen. Nixon and it's a compromise.

Sen. NIXON: Mr. President, I would like to express my appreciation to the Senate Ways and Means Committee for their action on this bill. As indicated by the Senator, HB 901 was introduced by Rep. Chris Spirou of Manchester and what it does is increase the real estate tax exemption for those who are determined to be legally blind from \$1,000 to \$5,000. These are the people who are not on welfare.

Adopted.      Ordered to third reading.

**HB 862**

providing for unemployment compensation to persons refusing to work the third shift for good cause. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, this is legislation that addresses itself to the discrimination in the unemployment law in that women will not be required to work a third shift if they have minor children at home to care for.

Adopted.      Ordered to third reading.

**HB 760**

to authorize towns to appropriate money for programs on the aging. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, this bill merely provides that a municipality can appropriate money for programs on the aging.

Adopted.      Ordered to third reading.

**HB 869**

creating enabling liquidation to permit a local option homeowner's exemption applied to property taxes upon approval by referendum. Ought to pass. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, HB 869 can be considered one of the major pieces of legislation to come before the legislature this session. This is purely discretionary. The community will decide whether it will want to put the question or not, as to allow the \$5,000 homestead exemption. Any community not wishing to do it doesn't have to. It's strictly up to the community as to whether they wish to get involved or not. The committee urges the support of this bill.

Sen. GREEN: I'd like to rise in favor of this piece of legislation. I think that it is an opportunity for some towns to do this if they so desire.

Sen. NIXON: Mr. President, I also rise in support of HB 869 for the reasons stated by the Chairman of the Ways and Means Committee. I think the record should indicate however, that the philosophy and the hard work behind this bill are attributable to former Rep. Levy of Portsmouth. There is no question that if this is adopted by the community that there will have to be a readjustment of the tax burden, upward from those who can least afford to pay and put it to a greater degree on those who can better afford to pay such as lawyers, etc.

Sen. JOHNSON: Does this shift the tax burden around?

Sen. NIXON: It would redistribute it.

Sen. JOHNSON: Is there any minimum or maximum equities?

Sen. DOWNING: The exemption does not apply to the first \$8,000 of assessment. It begins thereafter.

Sen. JACOBSON: Is this \$5,000 on all residential real estate?

Sen. DOWNING: Yes.

Sen. JACOBSON: So if I, being a poor school teacher, rather than being a rich lawyer, if my house is assessed at \$13,000 I would then be paying back \$8,000?

Sen. DOWNING: That's correct.

Sen. JACOBSON: Businesses and non-residential properties, farms and other buildings are not included? Is that correct?

Sen. DOWNING: Except that which is part of the residence.



Sen. JACOBSON: In other words the assessors then would for example, if I had ten acres of land and I have my building on one acre. Would I be assessed at the normal rate?

Sen. DOWNING: If your home's on ten acres of land, that's your homestead and your residence, then you qualify under this bill.

Sen. JACOBSON: On the assessing part they differentiate between the assessing on the house and property. Would it then make no difference?

Sen. DOWNING: Yes.

Sen. TROWBRIDGE: I'm not going to oppose the bill but I would like to be on record for two things. We examined that homestead exemption very carefully during the discussions on HB 70 and the Florida example was cited and when you get all through with it you find that within two or three years the assessment has gone up in order to make up for the exemption.

So you end up coming around in a full circle. I think that people will be disappointed with this. I think we may be deluding our constituents.

Sen. GREEN: Senator, a person who is over 65, isn't it the first five thousand opposed to the 8 and then five?

Sen. DOWNING: Over 65 is entitled to the thousand dollars exemption.

Sen. LAMONTAGNE: Could the Revenue Sharing make up the difference of the exemption?

Sen. TROWBRIDGE: Revenue Sharing comes in as an income source of the town. Whether you have the exemption or not, it is an income source now. So you then need above your income other taxes.

Sen. S. SMITH: Senator Trowbridge, this session we have passed through here SB 301 which exempts properties on current use tax. We have SB 2 which has passed through here which limited the taxing power to some degree on HB 307 so that we have a current tax base. This bill would exempt all household owners from \$5,000 on the first evaluation and those people over 65 on \$10,000.

Sen. TROWBRIDGE: That's if the local community opted for it.

Sen. S. SMITH: What about elderly people who are living in rental property, what will happen to them?

Sen. TROWBRIDGE: As far as I know nothing.

Sen. GREEN: Are you aware that in this bill everyone does not get a \$5,000 exemption until they get to the point of 13 thousand dollars?

Sen. S. SMITH: That does not resolve the issue however, as far as elderly people living in apartment houses or in commercial properties.

Sen. TROWBRIDGE: Senator Green, one of the points of the sponsor was that it was supposed to help the lower income people. Isn't it strange that you make the lowest income people get no exemption and it is only as you have more money that you get the exemption?

Sen. BRADLEY: Senator Downing, can you summarize the amendments?

Sen. DOWNING: There are no amendments by the Senate.

Sen. BRADLEY: What is the percentage requirement of the referendum?

Sen. DOWNING: A majority.

Sen. FERDINANDO: Senator Downing, in essence what you are doing is asking the taxpayers to pay for the exemptions.

Sen. DOWNING: Figures have been offered that demonstrate that there wouldn't be any significant increase in reality. This would fight for the people who had to leave their homes to go to apartments due to high property taxes.

Sen. JACOBSON: I agree with what Senator Trowbridge is saying and I'm sure that the tax rate will go up considerably. I think what will happen is that you will have a phantom relief because the only way in which you are ultimately going to get relief is through tax equity. And I cannot find in this bill that you established that. On the other hand I think we could let it rest for awhile.

Sen. Blasidell moved the previous question.

Roll Call requested by Sen. Trowbridge, seconded by Sen. Blaisdell.

Yeas: Lamontagne, Gardner, Green, Jacobson, Spanos, Nixon, Blaisdell, Provost, Downing, Preston and Foley.

Nays: Poulsen, S. Smith, Bradley, Trowbridge, Porter, Ferdinando, Sanborn and Johnson.

Result: Yeas 11, Nays 8.

Adopted. Ordered to third reading.

Sen. Blaisdell wished to be recorded as being in strong support of HB 869.

Sen. Nixon moved that rules of the Senate be so far suspended as to place HB 869 on third reading and final passage at this time.

Adopted.

#### Third reading and final passage

HB 869, creating enabling liquidation to permit a local option homeowner's exemption applied to property taxes upon approval by referendum.

Adopted.

Sen. Downing moved reconsideration of HB 869 at this time.

Motion lost.

#### HB 547

authorizing housing authorities to recognize unions and enter into collective bargaining contracts with such unions. Inexpedient to legislate. Sen. Downing for the Committee.

Sen. DOWNING: Mr. President, this bill deals with permitting and authorizing housing authorities to recognize unions and enter into collective bargaining contracts with such unions.

Adopted.

#### HB 913

relative to the advertising of liquor and beverages. Inexpedient to legislate. Sen. Green for the Committee.

Sen. GREEN: HB 913 is a bill which deals with liquor and beverages.

Sen. Downing moved the words ought to pass be substituted for the words inexpedient to legislate.

Sen. DOWNING: Mr. President, the New Hampshire Jaycee's initiated this type of legislation and most of the fraternal organizations which are annually engaged in program type advertising support this legislation and I would sum this up with letters from people I have received from the organizations.

Sen. Green moved that HB 913 be indefinitely postponed.

Sen. GREEN: Once again I want to reiterate that these laws have been on the books and they have been there for the protection of certain people.

Adopted.

Sen. Brown wished to be recorded as being in strong opposition to HB 913.

Sen. Downing moved reconsideration of HB 624.

Motion lost.

Sen. Downing moved reconsideration of HB 557.

Motion lost.

Sen. Downing moved reconsideration of HB 547.

Motion lost.

## HOUSE MESSAGES

### HOUSE REQUEST CONCURRENCE WITH AMENDMENT TO

SJR 18, making an appropriation for purchase by the state of gasoline storage tanks and pumps.

(See House Journal June 20)

Sen. Sanborn moved that the Senate concur with the amendment.

Sen. SANBORN: Mr. President, the amendment was put on by the House. This is the bill to procure more gas for the state or the state will run out of gas in another week.

Amendment Adopted.

Sen. Jacobson moved that the rules of the Senate be so far

suspended as to allow for introduction of committee reports on the following House Bills without previous notice in the Journal: HB 851, HB 964, HB 876 and HB 935.

Adopted.

#### **HB 851**

providing for an emergency temporary zoning and planning ordinance and for the adoption of same in emergencies. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON Mr. President, HB 851 is coming through here for the third time. It has passed both the House and the Senate twice and it's now on the docket hopefully to pass the Senate again. It provides in the statutes a temporary zoning statute in any town which does not presently have zoning. It provides a quickie method of adopting a zoning ordinance. Which unless reaffirmed would expire in two years.

Sen. BRADLEY: In reference to the number of times that this has passed either House then I assume that this has been in the legislature in other years?

Sen. JACOBSON: Yes, it has. It was here in the 1970 special session and the 1971 regular session.

Sen. BRADLEY: I am not strongly opposed to this concept.

Adopted.      Ordered to third reading.

#### **HB 964**

relative to certain exemptions from filing plans and specifications of sewage disposal systems. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, HB 964 deals with certain small exemptions from subdivisions and miscellaneous small problems. It pertains to certain exemptions from filing plans and specifications of sewage disposal systems.

Adopted.      Ordered to third reading.

#### **HB 876**

relative to the use of sewer rents, hook-ups on betterment charges. Ought to pass. Sen. Poulsen for the Committee.

Sen. POULSEN: Mr. President, HB 876 does a couple of things to municipal sewers. It has to do with the RSA's 9 and 11.

Adopted.      Ordered to third reading.



**HB 935**

to clarify forms of voter intimidation. Ought to pass with amendment. Sen. Preston for the Committee.

**AMENDMENT**

Amend RSA 69:11, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

69:11 Bribery; Intimidation. If any person shall directly or indirectly hire, procure, induce or in any way influence, by payment, promises, offers of emolument, offers of reward of any kind, loans of money or other thing, threats or intimidation, any voter to stay away from any town-meeting, primary or election, or to avoid voting, or to vote therein for or against any question on a local ballot or article in a town warrant, or to vote therein for or against any particular ticket or candidates for office; or to ask, in order to disqualify himself from voting, the abatement of his taxes, or to be excused from paying taxes, such person shall, if a natural person, be guilty of a misdemeanor, and any other person shall be guilty of a felony.

Sen. PRESTON: This is to clarify forms of voter intimidation. This would cause it to be a criminal offense.

Sen. BRADLEY: Under the amendment that you just read, would this go so far as to promise someone that a certain result was going to happen by reason of their voting?

Sen. PRESTON: No. that is not the legislative intent.

Amendment Adopted.      Ordered to third reading.

Sen. Green moved that the rules of the Senate be so far suspended as to allow for the introduction of a committee report without notice in the Journal.

Adopted.

**HB 974**

relative to the high school equivalency examination. Inexpedient to legislate. Sen. Green for the Committee.

Sen. GREEN: Mr. President, HB 974 provides that a New Hampshire resident over 17 years old who has paid the examination fee is allowed to take the high school equivalency test with-

out further qualification. It was the consensus of the committee that that was unnecessary due to the fact that they can take the G.E.D. test now.

Adopted.

Sen. McLaughlin moved that the rules of the Senate be so far suspended as to allow for the introduction of a committee report without previous notice in the Journal.

Adopted.

### HB 269

relative to diseases characteristic of the occupation of fire-fighting. Ought to pass with amendment. Sen. McLaughlin for the Committee.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 New Provision. Amend RSA 281:2 (supp), as amended, by inserting after paragraph V the following new paragraph:

V-a. Notwithstanding the provisions of the foregoing paragraph, there shall exist a prima facie presumption that heart or lung disease in a firefighter, whether he is a regular, call, volunteer or retired member of a fire department, is occupationally related; provided, however, that a call or volunteer firefighter shall have the benefit of this prima facie presumption only if there is on record reasonable medical evidence that he was free of such disease at the beginning of his employment. It shall be the duty of the employer of call or volunteer firefighters to provide the said reasonable medical evidence; if the employer fails to do so, the call or volunteer firefighter shall have the benefit of the prima facie presumption regardless of the absence of the said reasonable medical evidence. Provided further, that a retired firefighter who agrees to submit to any physical examination requested by his city, town, or precinct shall have the benefit of the prima facie presumption only during the period of time of five years from the effective date of his retirement. For the purposes of this paragraph, a call or volunteer firefighter shall mean a firefighter now regularly employed by a fire department of any city, town or precinct in the state, but answering for duty only to alarms of fire, and who has been appointed by

the fire department and is a member of the New Hampshire State Firemen's Association, provided however, that the benefits of this section shall not continue in effect beyond one month after a call, volunteer or permanent firefighter, reaches his sixty-fifth birthday.

2 Effective Date. This act shall take effect sixty days after its passage.

Sen. MCLAUGHLIN: Mr. President and members of the Senate the committee had referred this to an interim study committee, however, it asked for an amendment. One change is that once a man reaches the age of sixty-five and goes one month beyond he has to retire and also it changes the effective date.

Sen. LAMONTAGNE: Seeing that the committee has adopted the amendment therefore we have an age that has been inserted and an effective date has been added.

Sen. JOHNSON: Senator McLaughlin, supposing a fireman refuses to take a physical, what happens?

Sen. MCLAUGHLIN: If he refuses to take a physical he should not be with the department.

Sen. GARDNER: I think this satisfies most everyone. And I am very happy to support it.

Sen. SPANOS: I rise in support of the amendment offered by Senator Lamontagne. As you probably know originally the bill came in calling for the presumption to be conclusive and I told the firemen that I could not be in favor of that legislation. Subsequently, when I was informed that that would consider the possibility of prima facie evidence I then said that I would be happy to support the measure. I do believe that it is a fine compromise.

Sen. JOHNSON: What about a fireman having to be a member of the New Hampshire State Firemen's Association?

Sen. MCLAUGHLIN: Yes, they do.

Sen. BOSSIE: Mr. President, I rise in favor of the amendment of the committee report of HB 269.

Sen. FERDINANDO: I rise in support of the amendment

to HB 269 on the basis that it will keep the firemen happy and everybody else happy. I think it's a good bill.

Amendment Adopted.      Ordered to third reading.

Sens. Blaisdell and Preston wish to be recorded as being in strong support of HB 269.

Sen. Lamontagne moved that rules of the Senate be so far suspended as to place HB 269 on third reading and final passage at this time.

Adopted.

Third reading and final passage

HB 269, relative to diseases characteristic of the occupation of firefighting.

Adopted.

Sen. Lamontagne moved reconsideration of HB 269.

Motion lost.

#### COMMITTEE REPORTS (Continued)

##### HB 777

relative to the combined office of town clerk-tax collector. Ought to pass. Sen. Johnson for the Committee.

Sen. JOHNSON: Mr. President, this bill has to do with the combined office of town clerk-tax collector. It addresses itself to the term of office and the combination of the above named offices.

Adopted.      Ordered to third reading.

#### PERSONAL PRIVILEGE

Sen. BOSSIE: This morning in the House of Representatives SB 69 was killed, which is the betting card bill. That was okay if they did it on the roll call vote. I don't mind losing when we're here in the Senate and we had the opportunity to debate the bill. But this morning however in the House of Representatives, a motion was made to lay it on the table so that it was undebatable. I for one would never shut off anyone's debate.

##### HB 923

enacting new salary grades for all classified and unclassified

employees and establishing uniform overtime for classified employees. Ought to pass with amendment. Sen. Jacobson for the Committee.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Interim Study Committee. There is hereby established an interim committee consisting of eleven members as follows: two members of the house appointed by the speaker; two members of the senate appointed by the president; two members appointed by the governor; the chairman of the state personnel commission; the chairman of the state classified personnel and management study commission established by 1972, 60:57, two members of the state employees association appointed by the governor from a list of not less than five persons submitted by the president of the state employees association; and the director of legislative services or his designee. It shall be the duty of the committee to perform a total and thorough analysis of the study and recommendations made by Arthur D. Little, Inc. concerning the state personnel system. The personnel department shall furnish such information as the committee shall require for its deliberations. The personnel department shall perform such duties as the committee may reasonably require. The committee shall report its findings in respect to reclassification to the first special session of the 1973 general court after January 1, 1974 or if none the next regular session of the general court and on other matters to any special session of the 1973 general court or the 1975 regular session. In any event, the committee shall make a final report by December 31, 1974. A chairman for the committee shall be selected by the committee members. The members shall serve without compensation, but legislative members shall receive legislative mileage.

2 Effective Date. This act shall take effect July 1, 1973.

Sen. JACOBSON: Mr. President HB 923 was the Arthur Little reclassification bill. A hearing was held in the House and the House amended it and sent it over to the Senate without any appropriation, it simply establishes the classification as of 1974. The Senate held a second hearing on the HB. So we struck out the entire bill and established an interim study committee composed of legislators, etc.



Sen. TROWBRIDGE: I couldn't hear your remarks. I take it your amendment is sending it to the study committee?

Sen. JACOBSON: No, the amendment establishes a study committee to study the A. D. Little report.

Amendment Adopted. Ordered to third reading.

Sen. Bradley moved that HB 165 be taken from the table.

Adopted.

### **HB 165**

relative to granting of licenses for hawkers and peddlers. Ought to pass with amendment. Sen. Bradley for the Committee.

Sen. Bradley moved that the words indefinitely postponed be substituted for the words ought to pass.

Sen. BRADLEY: This HB will lay on the table to see whether or not another bill which we had earlier would pass. That having passed we feel that it fully covers anything in this bill.

Adopted.

### **HB 615**

providing for closure in part of Back Channel in New Castle and Portsmouth to all hunting. Inexpedient to legislate. Sen. Brown for the Majority; Ought to pass, Sen. Preston for the Minority.

Sen. Blaisdell moved that we substitute the minority report ought to pass, for the majority report inexpedient to legislate.

Sen. BLAISDELL: Mr. President, HB 615 as you know we had a divided report on this.

Sen. BROWN: I rise in support of the majority report. This area is a large area which has been open to the hunting of ducks and water fowl and it is on the Atlantic Fly Way.

Sen. PRESTON: I just want to make something clear for the records. I'm going to vote for the committee report but the committee did not try to franchise Portsmouth from any particular area. However, in this bill the selectmen were in support of this amendment.

Sen. FOLEY: I rise in support of the bill and hope that it passess.

Sen. SANBORN: I rise in favor of the minority report. I like to hunt myself but I think the towns around this area have grown considerably.

Adopted.      Ordered to third reading.

Sen. Foley moved that rules of the Senate be so far suspended as to place HB 615 on third reading and final passage at this time.

Adopted.

Third reading and final passage

HB 615, providing for closure in part of Back Channel in New Castle and Portsmouth to all hunting.

Adopted.

Sen. Blaisdell moved reconsideration of HB 615.

Motion lost.

#### HOUSE REQUESTS CONCURRENCE WITH AMENDMENT TO

SB 211, relative to the sale of fresh water smelt caught outside the state for human consumption within the state.

Sen. Blaisdell moved that we nonconcur with the amendment offered and request a committee of conference.

Adopted.

The Chair appointed as members to said committee of conference Sens. Blaisdell, Preston and Gardner.

#### HOUSE REQUESTS CONCURRENCE WITH AMENDMENT TO

SB 264, providing exceptions to the over-all width of motor vehicles.

(See amendment in HJ)

Sen. Lamontagne moved the Senate concur with the amendment.

Amendment Adopted.

## ENROLLED BILLS REPORT

HB 548, revising the day care advisory committee to provide for representation by users of day care facilities.

HB 566, prohibiting the unauthorized copying of certain recorded devices for sale.

HB 625, relative to continuing education for optometrists and increasing the renewal license fee for optometrists.

HB 922, relative to resident hunting privileges, licensing nonresidents dragging in salt water and raising fish and game licenses fees.

SB 169, relative to transfers to the New Hampshire state hospital for observation.

SB 180, requiring the bonding of new and used car dealers.

HJR 44, establishing a committee to study and report on the current program and future needs of the water supply and pollution control commission.

Sen. Provost  
*For The Committee*

## RECESS

## OUT OF RECESS

**HB 657**

establishing a multi-use statewide trail system. Ought to pass as amended. Sen. Blaisdell for the Committee.

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

establishing a state-wide trail system.

Amend RSA 216-E:1, III, as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

III. Any department or agency of the state, or any political subdivision, district or authority may transfer to the department, land or rights in land for said purposes on such terms and conditions as may be agreed upon, or may enter into an agreement with the commissioner providing establishment and protection of said trail system.

Amend RSA 216-E:2, I, as inserted by section 1 of the bill by striking in lines three and four the words "snow traveling vehicles" and inserting in place thereof the following (off-highway recreational vehicles), so that said paragraph as amended shall read as follows:

I. The trails within the system shall be held, developed, and administered under this chapter primarily as recreational trails for hiking, nature walks, bird watching, horseback riding, bicycling, ski touring, snowshoeing and off-highway recreational vehicles and the natural and scenic beauty thereof shall be preserved insofar as is practical; provided, however, that the commissioner may permit uses of trails and land acquired hereunder, by the owner of adjoining land and others, in such a manner and at such seasons as will not substantially interfere with the primary use of the trails.

Amend RSA 216-E:4, as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

216-E:4 Use of Funds. The department of resources and economic development is hereby authorized to use any funds which may become available, including but not limited to, unpaid taxes due the state which were levied in prior years by the state tax commission on railroad properties in the state, such an application of the tax funds to be with the approval of governor

and council. Any available funds from the United States land and water conservation fund or other federal assistance programs may also be used to accomplish the provisions of this chapter.

Amend RSA 216-E as inserted by section 1 of the bill by inserting after section 4 the following new section:

216-E:5 Advisory Committee. The commissioner shall appoint a New Hampshire statewide trail system advisory committee, whose members shall equally represent the different trail interests involved and the general public, for the purposes of advising him on matters related to the New Hampshire statewide trail system.

Sen. BLAISDELL: This would establish a multi-use state wide trail system. This is a good piece of legislation and the committee asks your support of its recommendation.

Amendment Adopted. Ordered to third reading.

#### HB 878

relative to the definition of parent for the purpose of defining eligibility for aid to families with dependent children; providing for verification and investigation of eligibility of applicants for aid to families with dependent children; actions against absent parent; and requiring recipients of aid to families with dependent children to actively seek employment and making an appropriation therefor. Ought to pass with amendment. Sen. Trowbridge for the Committee.

#### AMENDMENT

Amend the bill by striking out section 4 and inserting in place thereof the following:

#### 4 Requirement to Pursue Employment.

V. The director of the division of welfare shall refer each adult applicant for assistance under this chapter or RSA 161 to the Employment Service Bureau of the Department of Employment Security except those who are physically unable to work. The Employment Service Bureau shall register all those referred and screen and classify the applicants to determine their aptitude for work either part time, full time or those in need of training. The Employment Service Bureau shall refer the applicants to appropriate suitable work or training and shall



report to the director the actions taken and the results of any referral. In the event that any applicant refuses or fails to register with the Employment Service Bureau or to accept any referral to work or offer of work or training or terminates any work or training, the Employment Service Bureau shall promptly notify the director who shall thereupon review the eligibility of said applicant for assistance.

Sen. TROWBRIDGE: Mr. President, this is the bill sponsored by the Governor which would change the eligibility of welfare and its determination. Essentially what it does is change the presumption when someone applies for welfare and is then presumed to be eligible until proven ineligible. And we have teams of people who work on eligibility. Which is a humane program. Under HB 878 the presumption would be against eligibility and there would be created 42 additional jobs, in field services working on eligibility questions which would cost \$300,000 a year to prevent ineligible people from being on the welfare rolls, in the budget that is being offered by the budget committee. If you feel that the change in eligibility is necessary because you think that there are 16 to 20% people ineligible on the welfare rolls and that all we need is tools to get at them then you should vote for the bill.

Amendment Adopted.      Ordered to third reading.

Sen. Trowbridge wished to be recorded as voting no on HB 878.

#### SPECIAL ORDER OF BUSINESS 1:01

##### HB 755

conferring immunity from civil suit on municipal executives acting in their official capacity. Inexpedient to legislate. Sen. Bradley for the Committee.

Sen. Bradley moved that the words ought to pass with amendment be substituted for the words inexpedient to legislate.

#### AMENDMENT

Amend RSA 31:99 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

31:99 Liability of Municipal Executives. Notwithstanding any provisions of law to the contrary, no municipal executive may be held liable for civil damages for any public act performed in good faith within the scope of his official authority. For the purpose of this section, municipal executive shall mean the selectmen of any town or precinct or the manager of any town or city or the mayor of any city.

Amendment Adopted. Ordered to third reading.

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to allow introduction of a committee report on HB 800 and HB 10 without public hearing and necessary notice in the Journal.

Adopted.

#### **HB 800**

relative to state employees and reimbursing the general fund by transfer of funds. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: This is a simple bill which changes the Workmen's Compensation law relative to state employees and reimbursing the general fund by transfer of funds.

Adopted. Ordered to third reading.

#### **HB 10**

relative to registration and operation of off highway recreational vehicles and making an appropriation therefor. Ought to pass. Sen. Trowbridge for the Committee.

Sen. TROWBRIDGE: Mr. President, this is a bill relative to the registrations and operation of off-highway recreational vehicles. We recommend that the Senate go along with this bill.

Adopted. Ordered to third reading.

#### **HB 826**

relative to the repeal of the section excepting the office of employment security from the operation of RSA 91-A. Referred to Interim Study in Executive Departments, Municipal and County Governments. Sen. Jacobson for the Committee.

Sen. JACOBSON: Mr. President, we held a hearing on HB 826 which has as its purpose the removal of the present exemption with regards to the right to know law, and the department

of employment security. This relates principally to that very important chapter, chapter 282 in the RSA's. Now this chapter deals with the question of arbitration between labor and management, and it relates to the question of appeal. Both the labor members of the advisory council and the management of the advisory council asked that we study. We would like to study this to see what the full implications of this are.

Sen. BOSSIE: Senator Jacobson, do you believe in the concept of equal protection under the law and of equal justice under law?

Sen. JACOBSON: As a constitutional principle, yes.

Sen. BOSSIE: Can you tell me any reason why the Department of Employment Security should be under any different law than everyone else?

Sen. JACOBSON: The answer to that question is a very complex one. According to the testimony that was offered to this committee there are matters of great importance in terms of negotiation which are not necessarily in the best interest of the right-to-know law. But the committee felt that we should study this.

Sen. BRADLEY: If you were going to administer the right-to-know law would it not then be open to any department to be made exempt from unemployment compensation?

Sen. BOSSIE: If we are to continue to direct the Department of Employment Security to have this privilege that no one else has, then why can't we give it to the Welfare Department?

Sen. JACOBSON: I suppose if there were others who wanted it that we would have to give them consideration.

Sen. DOWNING: Senator Jacobson, as you know Senator, we often are suspect of study committees. In this instance do you believe that the committee would pursue the study of this bill seriously?

Sen. JACOBSON: I believe it would.

Sen. SPANOS: Mr. President, I rise in opposition to the motion offered by the committee and I hope that you will vote it down so that this will pass.

Sen. BOSSIE: Mr. President, I rise in opposition to the

pending motion. It's very difficult to follow such an articulate speech that the vice president has made and that our fellow senators have listened well to what he has said. There is no reason why any department should be excluded from the Right-to-Know Law.

Sen. DOWNING: Senator Bossie, why do you feel that the Department of Employment Security was to be excluded in this?

Sen. BOSSIE: I can't imagine.

Sen. BRADLEY: Senator Downing, the reason for total seclusion of that Department in 1967 don't you think that within the six years since then they might have been able to explain it to someone?

Sen. DOWNING: I would be inclined to think so if somebody had asked.

Sen. LAMONTAGNE: Senator Spanos, did I hear you correctly that when the committee meets with labor, you'd like to see that open?

Sen. SPANOS: Yes, that's right.

Sen. LAMONTAGNE: Do you mean to tell me that all of the problems and troubles between management and labor in proposing new legislation that it hasn't been helpful to the Houses?

Sen. SPANOS: I'm not going to say that the efforts of the advisory council have not been productive ones, but I'm trying to say that I think that it would be far more productive if they did have the people that they represent watching their deliberations.

Sen. LAMONTAGNE: Mr. President and members of the Senate, I've always been a great supporter of the Right-to-Know Law but my experience goes back to 1955 when we had labor on one side and management on the other and we had so many disagreements. Since then a group of people have met and worked out compromises that have made it a lot easier for us who are serving both management and labor. Now as far as sending this bill to a study committee, I'm for this.

Sen. BOSSIE: In 1967 you were here in the Senate. Why was the Employment Security Department secluded then?

Sen. LAMONTAGNE: I'll be honest with you, I don't know.

Roll Call requested by Sen. Bossie, seconded by Sen. Green.

Yeas: Lamontagne, Poulsen, Gardner, Jacobson, Blaisdell, Claveau, Ferdinando, Sanborn, Brown, Johnson, Downing and Preston.

Nays: S. Smith, Bradley, Green, Spanos, Nixon, Porter, McLaughlin, R. Smith, Bossie and Foley.

Result: Yeas 12; Nays 10.

Adopted.

Sen. Jacobson moved Reconsideration of HB 826.

Roll Call requested by Sen. Spanos, seconded by Sen. Trowbridge.

Yeas: S. Smith, Bradley, Green, Spanos, Nixon, Trowbridge, Porter, R. Smith, Bossie and Foley.

Nays: Lamontagne, Poulsen, Gardner, Jacobson, Blaisdell, McLaughlin, Claveau, Ferdinando, Sanborn, Provost, Brown, Johnson, Downing and Preston.

Result: Yeas 10; Nays 14.

Motion lost.

### HJR 37

providing for 1975 World Cup Championship at Cannon Mountain. Ought to pass with amendment. Sen. R. Smith for the Committee.

### AMENDMENT

Amend the caption of the resolution by striking out the same and inserting in place thereof the following:

### JOINT RESOLUTION

providing for 1975 World Cup Championship at Cannon Mountain and making an appropriation therefor; making an appropriation for the city of Manchester for promotion of Babe Ruth World Series; and making an appropriation to reimburse Judith Cabanel for damage to clothing.



Amend the resolution by inserting at the end thereof the following:

That the sum of five hundred dollars is hereby appropriated to the parks and recreation department of the city of Manchester to be expended for promotion of the Babe Ruth World Series to be held in said city. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

That the sum of forty dollars is hereby appropriated to be paid to Judith Cabanel of Concord to reimburse her for damage sustained to a pants suit because of the malfunction of a machine she was operating in the course of her employment by the business profits tax division. Said payment shall be in full and final payment for all claims against the state for said damages. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Sen. R. SMITH: Mr. President, this appropriates \$42,000 for the Division of Resources and Parks to meet state expenses for the North American Alpine Ski Championship.

Amendment Adopted. Ordered to third reading.

### SPECIAL ORDER OF BUSINESS 1:02

#### HB 148

relative to furnishing generic as well as brand names of prescription drugs. Referred to interim study committee. Sen. McLaughlin for the Committee.

Sen. MCLAUGHLIN: Mr. President, our committee recommends that HB 148 be sent to a joint study committee of account. HB 148 is the bill that requires that generic names be included in doctors' prescriptions. If the doctor should fail to supply a generic name he then has to pay a fine of \$25. To do the job required by this bill the State Public Health Department would have to appropriate approximately 1½ million dollars. The key question seemed to be who should make the final decision on what drug to take, the doctor, the pharmacist or the patient.

Motion lost.

Sen. Bradley moved the following amendment.

Amend RSA 146:6-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

146:6-a Generic Names Required. Every physician prescribing by brand name a drug listed in the formulary prepared by the director of the division of public health services department of health and welfare, under RSA 146:11, shall in each such prescription, oral or written, also include the words "or its generic equivalent drug listed in N. H. drug formulary" if in the physician's judgement it is medically sound to do so. Any person receiving such prescription from a physician shall have the option of purchasing the prescription drug under either its brand name or its generic name.

Sen. BRADLEY: The substance of the amendment is to change the law which in the present form requires the doctor in all cases to write into the prescription the generic equivalent. I am satisfied that if we pass it in that form we would be putting the doctors in an impossible box because there are some drugs which the doctor may have very good reason to know or believe will not do the same thing in its generic form.

Sen. SANBORN: Senator Bradley, when a drug is first developed by a pharmaceutical company what name is that registered under?

Sen. BRADLEY: I don't really know.

Sen. SANBORN: Isn't it usually the procedure that this is put under the generic name first?

Sen. BRADLEY: That sounds correct.

Sen. SANBORN: Senator Bradley, your amendment has removed my last doubt on this bill in its original form. Now my further question is this, how can any drug company change the formula of that drug and not change the generic name?

Sen. BRADLEY: Very simple. There are many different forms of a particular chemical which is the generic name and you can have many variations in the way that that chemical is prepared.

Sen. GARDNER: Senator McLaughlin, I'm confused.

Sen. MCLAUGHLIN: The information that I've been given Senator is that it is tested under the brand name and is

put in the market for a few years under its brand name and is later given its generic name.

Sen. DOWNING: Senator Bradley, if your amendment is adopted, is it your intention then to vote to pass the bill as amended?

Sen. BRADLEY: I have agreed as far as this procedure that I would not vote to pass this.

Sen. DOWNING: What is the whole point of the amendment?

Sen. BRADLEY: I wanted the Senate to take a stand on my question and I wanted to do the same.

Sen. FOLEY: Senator Bradley, I'd like you to explain how you expect this to pass in the House when an amendment similar to yours was killed in the House?

Sen. BRADLEY: I don't know.

Sen. SANBORN: Senator McLaughlin, in reference to the answer that you gave Senator Gardner. Didn't it come out in the hearing that when a drug, a new drug is first discovered that it is registered under its generic name?

Sen. MCLAUGHLIN: Not to my understanding.

Sen. LAMONTAGNE: Did I understand you that you said to Senator Downing that if your members adopt it that you have made an agreement to have your amendment and the committee report sent to a study?

Sen. BRADLEY: Yes.

Sen. LAMONTAGNE: Mr. President, and members of the Senate. I have a group of Senior Citizens and the White Mountains Senior Citizens and at the same time I am the legislative officer for the Veterans of Foreign Wars and I've just been given this information only this afternoon that they were in opposition. I will then vote against the study committee and for the amendment, hoping that this will receive further study.

Amendment Adopted.

Sen. McLaughlin moved that HB 148 be referred to Public Health for interim study committee.

Sen. CLAVEAU: I rise in opposition to the pending motion.

Sen. SANBORN: Have we had an ought to pass motion?

The CHAIR: There was a withdrawal of the original motion by Sen. McLaughlin, and it was amended and now it is on second reading and open to amendment.

Sen. LAMONTAGNE: Mr. President, I think that the trouble right now is that when Sen. Bradley got up to introduce his amendment he did not mention the words ought to pass.

Motion lost.

Question is now on ordering HB 148 to third reading.

Roll Call requested by Sen. McLaughlin, seconded by Sen. Bossie.

Yeas: Lamontagne, Bradley, Green, Nixon, Blaisdell, Trowbridge, Claveau, R. Smith, Ferdinando, Sanborn, Provost, Brown, Bossie, Johnson, Downing and Foley.

Nays: Poulsen, S. Smith, Gardner, Porter, McLaughlin and Preston.

Result: Yeas 16 — Nays 6

Sens. Bradley and Blaisdell wish to be recorded as having voted in the affirmative on motion to send the bill to study committee.

Sen. Downing moved that the rules of the Senate be so far suspended as to place HB 148 on third reading and final passage at this time.

Adopted.

Third reading and final passage

HB 148, relative to furnishing generic as well as brand names of prescription drugs.

Adopted.

Sen. Downing moved reconsideration of HB 148 at this time.

Motion lost.

#### PERSONAL PRIVILEGE

Sen. BRADLEY: I was willing to send this bill to committee once I had the opportunity to vote, I assume that based on

my understanding of the way people were going to vote that the bill would be sent to study committee and I voted that way. I want to be on record as doing that. I then asked Sen. McLaughlin whether I was still bound to my previous promise or could I then vote on my own amendment. He indicated that I was released from my commitment to him.

Sen. NIXON: I had in mind asking the Senate to reconsider its action whereby they passed HB 148 in the form that they did, for the reason that Sen. McLaughlin who is the Chairman of Public Health and Welfare was aware prior to the bill of the committee report. It was his understanding at that time that after the amendment was adopted that the bill would probably be referred to the committee with the amendment attached.

Introduction of Speaker of House Rep. James O'Neil.

SPEAKER JAMES O'NEIL: I am not unaware that there was some measure of unhappiness in the Senate on a committee report that made reference to your distinguished president of the Senate, and I say that I concur with the reasons that there may have been some unhappiness in this body. I have just concluded addressing the House on this subject matter and I felt that it was necessary to do so. I apologize to Sen. Nixon and to the members of the Senate publicly for the report that was in the Journal. I told the members of the House that the days were hot and long and that we have a lot of differences and that it was not my intention to see the differences between these bodies get out of hand.

#### SUSPENSION OF RULES

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to allow for a committee report on HB 509 without previous notice in the Journal.

Adopted.

#### HB 509

to increase the salaries of state classified employees and making an appropriation therefor. Ought to pass with amendment. Sen. Trowbridge for the Committee.

#### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:



## AN ACT

increasing the salaries of the classified, and unclassified employees and making an appropriation therefor and providing for an associate commissioner of public works and highways.

Amend section 5 of the bill by striking out the same and inserting in place thereof the following:

5 Unclassified Salaries for the First Year of the Biennium. Amend RSA 94:1 (supp), as amended, by striking out said section and inserting in place thereof the following:

94:1 Salaries Established. The salary ranges for the positions set forth shall be as follows, commencing on June 22, 1973:

	Minimum	Maximum
	\$	
Governor		\$32,760
Chief justice, supreme court		37,000
Chief justice, superior court		35,500
Associate justice, supreme court		35,500
Associate justice, superior court		34,000
Judges, probate court		10,920
Racing commissioners		3,407
Sweepstakes commissioner, chairman		5,111
Sweepstakes commissioners		2,726
Adjutant general	16,626	18,704
Assistant attorneys general	16,626	20,800
Assistant bank commissioner	16,626	18,704
Assistant business supervisor	14,548	16,626
Assistant chief engineer, administrator	22,932	24,570
Assistant commissioner, public works and highways	23,055	25,216
Assistant commissioner of safety (2)	14,548	16,626
Assistant to director of motor vehicles	13,456	15,534
Assistant to insurance commissioner	12,470	14,548
Assistant state librarian	12,470	14,548
Assistant state treasurer	12,470	14,548
Assistant superintendent, New Hampshire hospital	20,115	23,530
Associate commissioner of public works and highways	24,737	27,737
Attorney general	22,169	24,247
Bank commissioner	22,169	24,247

Business supervisor	17,319	20,783
Chairman, water resources board	14,548	17,319
Clerk of supreme court and court reporter	18,704	20,783
Commandant, soldiers' home	11,652	13,594
Commissioner of agriculture	16,626	18,704
Commissioner of department of employment security	22,169	24,247
Commissioner of education	22,169	24,247
Commissioner of health and welfare	22,169	24,247
Commissioner of public works and highways	25,633	28,404
Commissioner of resources and economic development	22,169	24,247
Commissioner of safety	22,169	24,247
Comptroller	24,647	27,311
Coordinator of crime and delinquency	9,850	13,104
Coordinator of federal funds	17,319	20,783
Coordinator of highway safety	17,319	20,783
Counsel, department of employment security	16,626	18,704
Deputy attorney general	18,704	22,360
Deputy bank commissioner	18,704	20,783
Deputy commissioner of education	18,704	20,783
Deputy commissioner of public works and highways	23,055	25,216
Deputy director, business profits tax	19,318	24,247
Deputy directors, commission on crime and delinquency	13,628	17,472
Deputy director of data processing	16,926	21,568
Deputy director of personnel	15,987	17,986
Deputy insurance commissioner	14,548	16,626
Deputy labor commissioner	11,084	13,163
Deputy registers of probate:		
Rockingham	7,343	9,421
Strafford	6,373	8,216
Belknap	6,373	8,216
Carroll	6,373	8,216
Merrimack	7,343	9,463
Hillsborough	8,590	10,710
Cheshire	5,848	7,384
Sullivan	5,848	7,384
Grafton	6,373	8,216
Coos	5,848	7,384
Deputy secretary of state	15,321	17,319
Deputy state treasurer	15,321	17,319

Deputy superintendent, industrial school	11,084	14,545
Deputy superintendent, Laconia state school	25,480	27,560
Deputy warden state prison	11,084	14,545
Director, business profits tax	21,840	27,737
Director of aeronautics	16,626	18,704
Director, charitable trusts	6,236	8,314
Director of clinical services	21,475	23,555
Director of clinical and surgical services	21,475	23,555
Director, commission on crime and delinquency	15,332	19,656
Director of correctional psychiatry	21,475	23,555
Director of data processing	21,840	27,737
Director, division of accounts	18,704	20,783
Director of economic development	18,704	20,783
Director, division of mental health	29,616	33,772
Director of division of parks	16,626	18,704
Director, division of public health services	22,169	30,680
Director, division of purchase and property	18,704	20,783
Director of division of resources and development	16,626	18,704
Director, division of welfare	22,169	22,932
Director of fish and game	16,626	18,704
Director of motor vehicles	16,626	18,704
Director, out-patient services	21,475	23,555
Director of personnel	18,704	20,783
Director of probation	15,545	17,626
Director of psychiatric education and research	21,475	23,555
Director of records management and archives	11,084	13,163
Director of safety services	13,456	15,534
Director of state police	16,626	18,704
Director of technical institute	16,626	18,704
Director, police standards and training council	13,104	17,472
Director, veterans' council	11,084	13,163
Eminent domain commission, chairman	16,626	18,704
Eminent domain commissioners	15,934	18,012
Eminent domain commission, clerk		10,920
Executive director, real estate commission	9,792	11,890
Executive director, sweepstakes		22,932
Executive director, water supply and pollution control commission	22,168	24,247
General counsel, department of		

employment security	18,704	20,783
Governor's councilors	44 per diem	
Greyhound racing commissioners		3,407
Insurance commissioner	18,704	20,783
Labor commissioner	15,987	17,986
Liquor commissioner, chairman	19,318	22,932
Liquor commissioners	16,894	22,386
Manager of management information systems, data processing	16,271	20,639
Manager of operations, data processing	16,271	20,639
Manager of programming, data processing	16,271	20,639
Parole officer	14,545	16,626
Public utilities commission, chairman	16,626	18,704
Public utilities commissioners	15,934	18,012
Registers of probate:		
Rockingham		6,373
Strafford		6,096
Belknap		6,096
Carroll		6,096
Merrimack		6,373
Hillsborough		6,650
Cheshire		5,542
Sullivan		5,542
Grafton		6,096
Coos		5,542
Research assistant to the insurance commissioner	11,990	13,989
Secretary of state	22,169	24,247
Secretary, tax commission	19,318	21,316
Senior industrial agent	11,458	15,641
Senior psychiatrist	20,228	23,457
State fire marshal	12,470	14,548
State librarian	14,548	16,626
State treasurer	22,169	24,247
State veterinarian	14,631	16,538
Superintendent, industrial school	18,704	20,783
Superintendent, Laconia state school	22,169	24,247
Superintendent, New Hampshire hospital	26,875	31,030
Superintendent, N.H. home for the elderly	18,704	20,783
Tax commissioner	15,987	17,986
Warden, state prison	18,704	20,783
Water supply and pollution control commission:		

Chief aquatic biologist	14,653	16,657
Deputy executive director and chief engineer	19,314	21,313
Director municipal services and assistance	14,653	16,657
Pesticided surveillance scientist	13,694	15,567

Officials named in this section shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and in accordance with RSA 94:3. Racing commissioners, sweepstakes commissioners, and the state entomologist only excepted, any official whose salary upon placement in the new salary range is less than that of a subordinate classified employee shall be placed at the next higher step in range above said classified employee and shall be entitled to any increase provided for herein until the maximum provided herein is reached. However, in the event that the maximum of the unclassified position is less than the salary of said subordinate classified employee, the governor and council is authorized to increase the maximum of the unclassified position in an amount to provide a differential of not more than one thousand dollars.

Notwithstanding any other provisions of law to the contrary, the salaries of judges of probate court, deputy registers of probate, and registers of probate shall be as set forth above.

Amend section 6 of the bill by striking out the same and inserting in place thereof the following:

6 Unclassified Salaries for the Second Year of the Bien-nium. Amend RSA 94 by inserting after section 94:1 (supp) as inserted by section 5 of this act the following new section:

94:1-a Salaries Established. The salary ranges for the positions set forth, shall be as follows commencing on June 21, 1974:

	Minimum	Maximum
Governor	\$	\$34,070
Chief justice, supreme court		37,000
Chief justice, superior court		35,500
Associate justice, supreme court		35,500
Associate justice, superior court		34,000
Judges, probate court		11,357
Racing commissioners		3,543
Sweepstakes commissioner, chairman		5,315
Sweepstakes commissioners		2,835



Adjutant general	17,292	19,453
Assistant attorneys general	17,292	21,632
Assistant bank commissioner	17,292	19,453
Assistant business supervisor	15,129	17,292
Assistant chief engineer, administrator	23,849	25,553
Assistant commissioner, public works and highways	23,055	25,216
Assistant commissioner of safety (2)	15,129	17,292
Assistant to director of motor vehicles	13,994	16,156
Assistant to insurance commissioner	12,968	15,129
Assistant state librarian	12,968	15,129
Assistant state treasurer	12,968	15,129
Assistant superintendent, New Hampshire hospital	20,919	24,471
Associate Commissioner of Public Works and Highways	24,846	28,846
Attorney general	23,055	25,216
Bank commissioner	23,055	25,216
Business supervisor	18,012	21,615
Chairman, water resources board	15,129	18,012
Clerk of supreme court and court reporter	19,453	21,615
Commandant, soldiers' home	12,118	14,738
Commissioner of agriculture	17,292	19,453
Commissioner of department of employment security	23,055	25,216
Commissioner of education	23,055	25,216
Commissioner of health and welfare	23,055	25,216
Commissioner of public works and highways	25,633	28,104
Commissioner of resources and economic development	23,055	25,216
Commissioner of safety	23,055	25,216
Comptroller	25,633	28,804
Coordinator of crime and delinquency	10,244	13,628
Coordinator of federal funds	18,012	21,615
Coordinator of highway safety	18,012	21,615
Counsel, department of employment security	17,292	19,453
Deputy attorney general	19,453	23,254
Deputy bank commissioner	19,453	21,615
Deputy commissioner of education	19,453	21,615
Deputy commissioner of public works and highways	23,055	25,216
Deputy director, business profits tax	20,091	25,216
Deputy directors, commission on crime		

and delinquency	14,173	18,171
Deputy director of data processing	17,603	22,430
Deputy director of personnel	16,626	18,705
Deputy insurance commissioner	15,129	17,292
Deputy labor commissioner	11,526	13,538
Deputy registers of probate:		
Rockingham	7,637	9,798
Strafford	6,628	8,545
Belknap	6,628	8,545
Carroll	6,628	8,545
Merrimack	7,637	9,841
Hillsborough	8,934	11,138
Cheshire	6,082	7,679
Sullivan	6,082	7,679
Grafton	6,628	8,545
Coos	6,082	7,679
Deputy secretary of state	15,934	18,012
Deputy state treasurer	15,934	18,012
Deputy superintendent, industrial school	11,528	15,127
Deputy superintendent, Laconia state school	26,499	28,662
Deputy warden state prison	11,528	15,127
Director, business profits tax	22,714	28,846
Director of aeronautics	17,292	19,453
Director, charitable trusts	6,485	8,646
Director of clinical services	22,334	24,497
Director of clinical and surgical services	22,334	24,497
Director, commission on crime and delinquency	15,945	20,442
Director of correctional psychiatry	22,334	24,497
Director of data processing	22,714	28,846
Director, division of accounts	19,453	21,615
Director of economic development	19,452	21,614
Director, division of mental health	30,801	35,123
Director of division of parks	17,292	19,453
Director, division of public health services	23,055	31,907
Director, division of purchase and property	19,453	21,615
Director of division of resources and development	17,292	19,453
Director, division of welfare	23,056	23,849
Director of fish and game	17,292	19,453
Director of motor vehicles	16,127	18,292
Director, out-patient services	22,334	24,197
Director of personnel	19,453	21,615

Director of probation	16,127	18,292
Director of psychiatric education and research	22,334	24,497
Director of records management and archives	11,528	13,690
Director of safety services	13,994	16,156
Director of state police	17,292	19,453
Director of technical institute	17,292	19,453
Director, police standards and training council	13,628	18,171
Director, veterans' council	11,528	13,690
Eminent domain commission, chairman	17,292	19,453
Eminent domain commissioners	16,571	18,732
Eminent domain commission, clerk		11,357
Executive director, real estate commission	10,183	12,366
Executive director, sweepstakes		23,849
Executive director, water supply and pollution control commission	23,055	25,216
General counsel, department of employment security	19,453	21,615
Governor's councilors	45 per diem	
Greyhound racing commissioners		3,543
Insurance commissioner	19,453	21,615
Labor commissioner	16,626	18,705
Liquor commissioner, chairman	20,091	23,849
Liquor commissioners	17,570	23,281
Manager of management information systems, data processing	16,922	21,464
Manager of operations, data processing	16,922	21,464
Manager of programming, data processing	16,922	21,464
Parole officer	15,127	17,292
Public utilities commission, chairman	17,292	19,453
Public utilities commissioners	16,571	18,732
Registers of probate:		
Rockingham		6,628
Strafford		6,340
Belknap		6,340
Carroll		6,340
Merrimack		6,628
Hillsborough		6,917
Cheshire		5,764
Sullivan		5,764
Grafton		6,340
Coos		5,764

Research assistant to the insurance commissioner	12,470	14,549
Secretary of state	23,055	25,216
Secretary, tax commission	20,091	22,168
Senior industrial agent	11,916	16,267
Senior psychiatrist	21,037	24,395
State fire marshal	12,968	15,129
State librarian	15,129	17,292
State treasurer	23,055	25,216
State veterinarian	15,216	17,200
Superintendent, industrial school	19,453	21,615
Superintendent, Laconia state school	23,055	25,216
Superintendent, New Hampshire hospital	27,950	32,272
Superintendent, N. H. home for the elderly	19,453	21,615
Tax commissioner	16,626	18,705
Warden, state prison	19,453	21,615
Water supply and pollution control commission:		
Chief aquatic biologist	15,239	17,323
Deputy executive director and chief engineer	20,086	22,165
Director municipal services and assistance	15,239	17,323
Pesticides surveillance scientist	14,241	16,189

Officials named in this section shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and in accordance with RSA 94:3. Racing commissioners, sweepstakes commissioners, and the state entomologist only excepted, any official whose salary upon placement in the new salary range is less than that of a subordinate classified employee shall be placed at the next higher step in range above said classified employee and shall be entitled to any increase provided for herein until the maximum provided herein is reached. However, in the event that the maximum of the unclassified position is less than the salary of said subordinate classified employee, the governor and council is authorized to increase the maximum of the unclassified position in an amount to provide a differential of not more than one thousand dollars.

Notwithstanding any other provisions of law to the contrary, the salaries of judges of probate court, deputy registers of probate, and registers of probate shall be as set forth above.

Amend the bill by striking out section 7 and inserting in place thereof the following:



7 Appropriation: There are hereby appropriated for the fiscal year ending June 30, 1974 for the salary increases for unclassified state employees as provided herein, the following sums: \$117,480 from the general funds of the state, \$49,221 from highway funds, \$904 from fish and game funds, \$4,523 from federal funds, \$9,082 from self-sustaining funds. For the fiscal year ending June 30, 1975 there are hereby appropriated the following sums: \$238,520 from the general funds of the state, \$60,659 from the highway funds, \$1,836 from the fish and game funds, \$9,183 from federal funds, \$18,338 from self-sustaining funds. The governor is authorized to draw his warrant for the sums hereby appropriated.

Amend the bill by striking out section 8 and inserting in place thereof the following new sections:

8 Salaries of Certain Unclassified Employees and Elected Officials for Fiscal 1974. Any unclassified employee who on June 21, 1973 is receiving a salary greater than the top of the salary range for his position as prescribed in RSA 94:1 by virtue of action of the governor and council pursuant to RSA 94:1 or RSA 94:3-b shall, notwithstanding the provisions of RSA 94:1 as inserted by section 5 of this act, be paid, commencing on June 22, 1973, a salary equal to the salary he was receiving on June 21, 1973, plus four percent of said salary.

9 Salaries of Certain Unclassified Employees and Elected Officials for Fiscal 1975. Any unclassified employee who on June 20, 1974 is receiving a salary greater than the top of the salary range for his position as prescribed in RSA 94:1-a by virtue of action of the governor and council pursuant to RSA 94:1 or RSA 94:3-b shall, notwithstanding the provisions of RSA 94:1 as inserted by section 6 of this act, be paid, commencing on June 21, 1974, salary equal to the salary he was receiving on June 20, 1974, plus four percent of said salary.

10 Salaries of Certain Classified Employees for Fiscal 1974. Any classified employee who on June 21, 1973 is receiving a salary greater than the top of the salary range for his position as prescribed in RSA 99:1 by virtue of action of the governor and council pursuant to RSA 99:8 shall, notwithstanding the provisions of RSA 99:1 as inserted by section 1 of this act, be paid, commencing on June 22, 1973, a salary equal to the salary he was receiving on June 21, 1973, plus four percent of said salary.



11 Salaries of Certain Classified Employees for Fiscal 1975. Any classified employee who on June 20, 1974 is receiving a salary greater than the top of the salary range for his position as prescribed in RSA 99:1 by virtue of action of the governor and council pursuant to RSA 99:8 shall, notwithstanding the provisions of RSA 99:1 as inserted by section 1-a of this art, be paid, commencing on June 21, 1974, a salary equal to the salary he was receiving on June 20, 1974, plus four percent of said salary.

12 Associate Commissioner of Public Works and Highways. Amend RSA 229:2 by striking out said section and inserting in place thereof the following:

229:2 Associate Commissioner, Deputy Commissioner and Assistant Commissioner. Subject to the approval of the governor and council, the commissioner shall appoint an associate commissioner, a deputy commissioner, who shall also serve as chief engineer, and an assistant commissioner in charge of business administration, all of whom shall be specially qualified by previous experience to perform all duties as may be assigned to them and shall serve during good behavior. The associate commissioner shall act for the commissioner whenever the latter is absent or unable to act for any cause or when there is a vacancy in the office of commissioner.

13 Removal. Amend RSA 229:3 by striking out said section and inserting in place thereof the following:

229:3 Removal of Commissioner, Associate Commissioner, Deputy Commissioner and Assistant Commissioner. The commissioner may be removed by the governor and council only as provided in RSA 4:1. The associate commissioner, deputy commissioner and assistant commissioner may be removed by the commissioner, subject to the approval of the governor and council.

14 Salaries. Amend RSA 229:4 by striking out said section and inserting in place thereof the following:

229:4 Salaries. The annual salaries of the commissioner, associate commissioner, deputy commissioner and assistant commissioner shall be that prescribed in RSA 94:1-4, as amended.

15 Two Assistant Commissioners of Safety. Amend RSA 106-A:2-b (supp) as inserted by 1969, 466:1 by striking out in line three the words "an assistant commissioner" and inserting

in place thereof the following (two assistant commissioners) so that said section as amended shall read as follows:

106-A:2-b Assistant Commissioner of Safety. Subject to the approval of the governor and council, the commissioner of safety shall appoint two assistant commissioners of safety who shall be in charge of business administration within the department of safety. Said assistant commissioner shall be specially qualified by previous training and experience to perform all the duties assigned to him. The assistant commissioner may be removed for cause by the commissioner with the consent of the governor and council. The annual salary of the assistant commissioner shall be that prescribed in RSA 94:1-4.

16 Encumbent Governor Exempted. Notwithstanding any provisions of this act to the contrary the person who holds the office of governor of this state on June 22, 1973 shall, so long as he continues to hold said office, be paid the same salary he was entitled to receive on June 21, 1973.

17 Effective Date.

I. On June 22, 1973, sections 1, 5, 8, 10 and 16.

II. On June 21, 1974, sections 2, 6, 9 and 11.

III. On July 1, 1973, sections 3, 4, 7, 12, 13, 14 and 15.

Sen. TROWBRIDGE: Mr. President, this is an act to increase the salaries of state classified employees.

Sen. SANBORN: Mr. President I want to speak in favor of HB 509 as amended by the Senate Finance committee. I would like to go on record as I don't think that this is the perfect pay raise by any means.

Sen. FERDINANDO: Sen. Trowbridge, what was the prior chief justice of the court making before this?

Sen. TROWBRIDGE: \$29,900.

Amendment adopted.      Ordered to third reading.

Sen. Sanborn wished to be recorded as being in favor of the committee report as long as HB 923 went to study committee so that the inequities of the employees' pay could be corrected in the next session.

Sen. S. Smith moved that the rules of the Senate be so far

suspended as to allow HB 509 to be placed on third reading and final passage at this time.

Adopted.

Third reading and final passage

HB 509, increasing the salaries of the classified and unclassified employees and making an appropriation therefor, and providing for an Associate Commissioner of Public Works and Highways.

Adopted.

Sen. S. Smith moved reconsideration of HB 509 at this time.

Motion lost.

## RECESS

### OUT OF RECESS

Sen. Jacobson withdrew his motion of notice of reconsideration on HB 828 and HB 893 at this time.

Sen. Claveau moved that the rules of the Senate be so far suspended as to allow for an introduction of a committee report without previous notice in the Journal.

Adopted.

#### HB 844

relative to the practice of architecture. Ought to pass with amendment.

Sen. CLAVEAU: Mr. President this is a bill relative to the practice of architecture. This would require registration by lowering the age from 25 to 21.

Sen. Lamontagne moved that HB 844 be recommitted to an interim committee on Public Works and Transportation.

Sen. LAMONTAGNE: Mr. President, as a member of the Public Works and Transportation committee I was at the hearing and we still had contractors who came before us to testify and it was felt that there was insufficient time given to this. We felt that there was no assurance of guidance. I feel this should be sent to study.

Sen. PRESTON: Senator Claveau did you present the amendment?

Sen. CLAVEAU: Yes.

Sen. PRESTON: What effect would this have on contractors in regards to turnkey projects?

Sen. CLAVEAU: That would not be covered by the intent of this bill.

Sen. PRESTON: What effect would this have on an industrial building?

Sen. CLAVEAU: That would come under another amendment.

Sen. PRESTON: Are you aware of what a turnkey project is?

Sen. CLAVEAU: I don't see where this would come under the bill.

Sen. BROWN: I have built many shopping centers and so forth. Now I designed that and my men are building it right now. Does this bill mean that in the future of a building of this nature, must I have an architect in on these plans?

Sen. CLAVEAU: Not to my knowledge.

Sen. BROWN: Mr. President, I rise in support of Senator Lamontagne's motion. There seems to be a tremendous question here and it should go to study committee.

Sen. CLAVEAU: I rise in opposition to the pending motion. I want to say that all parties have been satisfied with this bill.

Sen. BRADLEY: Senator Claveau, would this not prohibit the type of operations of the type that Senator Brown does?

Sen. CLAVEAU: That would be prevented under this bill without an architect.

Sen. LAMONTAGNE: Mr. President and members of the Senate, I want the members of this Senate to know that the contractors are not satisfied with that amendment.

Sen. SANBORN: Senator Lamontagne, you and I both were at this hearing when we heard this bill; was it not a fact that the attorneys for the local contractors said that the first thing we knew about it was this morning and that we are not sure about it?

Sen. LAMONTAGNE: That's true Senator.

Sen. POULSEN: Mr. President I rise in support of this motion. I am in favor of all these people but this should be studied.

Sen. FERDINANDO: I oppose the motion of Senator Lamontagne. I understand that the House Bill with the amendment was found agreeable by the contractors as every objectional section had been removed from the bill.

Sen. CLAVEAU: Senator Lamontagne, are you aware that there is much negotiation going on in this bill?

Sen. LAMONTAGNE: Senator I was at the committee hearing every moment.

Sen. Bossie moved the previous question.

Adopted.

## HOUSE MESSAGES

### HOUSE REQUESTS CONCURRENCE WITH AMENDMENT TO

SB 230, relative to child support payments.

Sen. Bradley moved that the Senate nonconcur with the request and set up a committee of conference.

Adopted.

The Chair appointed as members to said committee of conference Sens. Bradley, Jacobson and Bossie.

## INTRODUCTION OF RESOLUTION

KNOW ALL MEN BY THESE PRESENTS THAT WHEREAS, we the members of the New Hampshire Senate have learned with regret of the decision of the Senior U. S. Senator from New Hampshire, the Honorable Norris Cotton of Lebanon, that he will retire from the U. S. Senate at the close of his present term; and

*Whereas*, Senator Cotton has served the the people and the state of New Hampshire with dedication, distinction, and dignity for over 50 years as an elected official, as a member of the New Hampshire House of Representatives where has was majority leader and later Speaker of the House, as a member of



the U. S. House of Representatives for four terms, and as a member of the U. S. Senate since 1954; and

*Whereas*, he has risen in the U. S. Senate to a position of influential seniority and power, which he has applied with noble judgment and profound civic purpose to the best interests of the State of New Hampshire, as the fourth-ranking Republican in the Senate and chairman of the Republican Conference, as the ranking Republican on the Commerce Committee and the Sub-Committee on Health, Education, and Welfare, and as the third ranking Republican on the Appropriations Committee and the Sub-Committee on Defense; and

*Whereas*, his exemplary integrity, humility, zeal, and devotion to the public good in behalf of the state of New Hampshire have been a model and inspiration for others;

The 1973 New Hampshire Senate therefore presents this amendment.

CERTIFICATE OF COMMENDATION  
TO  
THE HONORABLE NORRIS COTTON

in appreciation and gratitude for his many years of  
public service; and be it further

*Resolved*, that we extend our most profound wishes for prosperity and happiness to Senator Cotton and his devoted and gracious wife Ruth in their blessed years of retirement.

IN WITNESS WHEREOF, the members of the New Hampshire Senate have authorized and approved the presentation of this Certificate at a Senate Session held this twenty-first day of June, 1973.

Sens. Porter and Foley moved that the Senate adopt the resolution.

Adopted.

Sen. BROWN: I request permission to change my vote from no to yes on ordering HB 148 to third reading.

Adopted.

Sen. Jacobson moved that the rules of the Senate be so far suspended as to permit introduction of committee reports on

HB 485, HB 434, HB 179 and HB 1040 without previous notice in the Journal.

Adopted.

#### HB 485

prohibiting a motion for reconsideration on bond or note issues of over one hundred thousand dollars. Ought to pass with amendment. Sen. Jacobson for the Committee.

#### AMENDMENT

Amend RSA 33:8-a, IV, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

IV. Upon favorable approval on the motion to reconsider the vote on a bond or not issue under paragraphs I and II, actual reconsideration of the bond issue shall not take place until the expiration of at least seven days from the date on which the original vote on the motion was taken. Notice of time and place where such reconsideration shall take place shall be published in a newspaper of general circulation in the municipality at least two days before the reconsideration vote. Wherever required, the provisions of RSA 33:8-a shall apply.

Sen. JACOBSON: Mr. President, HB 485 has been the point of a great deal of controversy over reconsideration vote. As it came to the House it denied reconsideration on any bond issue. The committee however, felt that that was unjust and that a motion for reconsideration ought to take place as a proper procedure. What our amendment does is allows the motion to reconsider to take place but the actual reconsideration on a bond issue shall be at least seven days from which the original vote took place, in a newspaper of general circulation. This we felt would be fair to everyone so that no one would be caught on a vote when they had gone home.

Sen. DOWNING: Senator Jacobson, couldn't this just as easily be handled by an adoption of rules at the beginning of each school district?

Sen. JACOBSON: That is a possibility also. But it raises the same problem that you have when voting by ballot.

Sen. BROWN: I rise in strong support of the committee report.

Sen. BRADLEY: Did the bond council review this?

Sen. JACOBSON: No, but I don't think this is a question of the bond council.

Sen. BRADLEY: How do you construe the word "meeting?"

Sen. JACOBSON: Reconsideration is allowed under this.

Sen. S. SMITH: Would it be fair to say Senator that if you have a meeting, even if the moderator states beforehand that he would not recognize a motion to reconsider, if the thing goes into the late night it would then be possible for the people in the meeting to override the ruling of the chair and have reconsideration? So this bill in effect would resolve that situation. Is that not correct?

Sen. JACOBSON: This bill would allow reconsideration to take place at least seven days hence, so that no one could complain about midnight on the actual vote.

Sen. BRADLEY: In view of what happened to the bond issue in Timberlane don't you have a little bit of concern about this?

Sen. JACOBSON: I don't believe so. In fact, this is very specific.

Sen. SPANOS: Mr. President, I don't know which way I'm going to vote on this but this will give me the opportunity to explain how I got the nickname midnight Harry. At the school meeting they cut the budget by \$40,000 and it had nothing to do with the bond issue. I moved reconsideration after that vote. Reconsideration prevailed and the budget was not cut \$40,000 but \$20,000. It was still four or five o'clock in the afternoon and there were still six or seven hundred people voting and the vote was changed. It never was midnight. So Mr. President I want to thank you for allowing me to make those remarks and I hope that the Union Leader was here.

Sen. JACOBSON: I just want to say that there is a difference between reconsideration on a bond issue and reconsideration. This does not relate to other articles in the warrant.

Amendment Adopted.      Ordered to third reading.

**HB 434**

relative to referendum by absentee ballot in biennial elections. Ought to pass. Sen. Jacobson for the Committee.

Sen. JACOBSON: This bill has passed the Senate once and then the Secretary of State had questions on the bill and I recalled it. They have now decided that the bill was okay.

Adopted.      Ordered to third reading.

**HB 179**

providing that the salaries of registers of deeds of all counties except Coos and Carroll be a fixed amount and all fees for their services be paid to the respective county treasurer, and providing special provisions for registers of deeds of Coos and Carroll counties. Ought to pass. Sen. Preston for the committee.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

**AN ACT**

providing that the salaries of registers of deeds of all counties except Coos and Carroll be a fixed amount and all fees for their services be paid to the respective county treasurer, and that special provisions be made for the registers of deeds of Coos and Carroll counties, and providing for an increase in the mileage allowance for sheriffs and deputies of certain counties.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Mileage Allowance in Certain Counties. Amend RSA 104:31, IV (supp) as inserted by 1965, 316:2, as amended, by inserting in line five after the word "cents" the following (, except in those counties where sheriffs and deputy sheriffs are on salary it shall be thirteen cents.) so that said paragraph as amended shall read as follows:

IV. For actual travel to serve any writ, notice, subpoena, process or execution, to be reckoned from the place of service to the residence of the officer, in no case exceeding fifty miles, and for travel to attend any court by the order thereof, to be reckoned from the residence of the officer to the court, each mile,

each way, ten cents, except in those counties where sheriffs and deputy sheriffs are on salary it shall be thirteen cents.

4 Effective Date. Sections 1 and 2 shall take effect January 1, 1974. Section 3 shall take effect sixty days after its passage.

Division: Yeas 17; Nays 5.

Sen. PRESTON: This bill requires the registry of deeds in all counties on salary to pay the county treasurer for fees for services in collection of real estate transfer taxes which they receive. They exclude the counties of Coos and Carroll.

Sen. BRADLEY: Was anyone objecting to this bill?

Sen. PRESTON: There was question as to those who were on salary as to how much they would receive.

Sen. BOSSIE: Is it true that through this bill with the amendment that we are taking up a matter that we discussed the other day about additional traveling expense?

Sen. PRESTON: We agreed to that mileage for the sheriffs.

Sen. BOSSIE: Mr. President, I rise in opposition to the amendment. The other day we took up a House bill in regards to 13c a mile for Rockingham County. We found no evidence in committee for such an appropriation.

Sen. PRESTON: In discussing this, was it not your suggestion that we include all counties?

Sen. BOSSIE: I thought that you should include it to make it more fair for the other counties.

Amendment Adopted.      Ordered to third reading.

#### HB 1040

classifying horse racing and dog racing as an industry for purposes of zoning. Inexpedient to legislate. Sen. Jacobson for the Committee.

Sen. JACOBSON: HB 1040 came in late. What this bill does is it would establish by statute that race tracks are defined to be industrial zones of the community.

Adopted.

Sen. Preston moved that HB 179 be placed on third reading and final passage at this time.

Adopted.



## Third reading and final passage

HB 179, providing that the salaries of registers of deeds of counties except Coos and Carroll be a fixed amount and all fees for their services be paid to the respective county treasurer, and that special provisions be made for the registers of deeds of Coos and Carroll counties, and providing for an increase in the mileage allowance for sheriffs and deputies of certain counties.

Adopted.

Sen. Preston moved reconsideration of HB 179 at this time.

Motion lost.

Sen. S. Smith moved that the rules of the Senate be so far suspended as to allow for an introduction of a committee report without previous notice in the Journal.

Adopted.

**HB 1036**

providing for all federal enclaves in the state to be single districts for school purposes. Ought to pass with amendment. Sen. S. Smith for the Committee.

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

authorizing local school districts to assess tuition costs, if federal funds are not available, for pupils living on federally owned or leased property.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 School Districts May Assess Tuition Costs. Amend RSA 194 by inserting after section 3 the following new section:

194:3-a Districts May Assess Per Pupil Tuition. A local school district may if federal funds are not appropriated sufficient to cover the cost of educating school age pupils who live on federally owned or leased property, assess tuition costs against parents or guardians of said pupils which cover the current per pupil cost of the district.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.      Ordered to third reading.

Sen. S. SMITH: Mr. President, this bill has been somewhat amended, including the title. The title is a title authorizing the local school districts to assess tuition costs where federal funds are not available for pupils on federally owned or leased property. This resolves the potential problem whereby it is rumored that there may be a loss of federal funds for school cost.

Sen. Bradley moved that HB 984 be taken from the table.

### HB 984

relative to landlord-tenant relations. Ought to pass. Sen. Bradley for the Committee.

Sen. BRADLEY: Mr. President, this is a bill which provides basically that if a landlord's property is found to be below standards by a building inspector or other officials and if the tenant gives notice of his intention not to pay rent by reason of that then in that situation the tenant may withhold the rent and pay the court.

Sen. LAMONTAGNE: Senator Bradley, is the provision still in there in case it's necessary to have the tenant move out for repairs?

Sen. BRADLEY: Yes, there was a section in there that was amended in the House which provides that if the repairs can't be made without the tenant leaving the court may order the tenant to leave the building. With the proviso that the tenant may be reinstated upon the completion of the repairs. And the tenant will not be required to pay any rent.

Sen. GREEN: Senator, I would like to have explained to me how does this change what is presently in the statutes?

Sen. BRADLEY: As far as the statutes go the tenant has to pay the rent that the landlord has set, however there has been a recent case in the New Hampshire Supreme Court to indicate that the obligation to pay rent is not there if the landlord has not kept his obligation.

Sen. Ferdinando moved that HB 984 be indefinitely postponed.

Sen. Downing moved the previous question.

Division: Yeas, 15; Nays, 7.

Motion adopted.

## HOUSE MESSAGES

### HOUSE REQUESTS CONCURRENCE WITH AMENDMENT TO

SB 2, to provide partial exemption from real estate taxes for persons sixty-five years of age or older, and complete exemption from real estate taxes for persons seventy years of age or older, under certain circumstances.

Sen. Downing moved that the Senate nonconcur with the amendment and request a committee of conference.

Adopted.

The Chair appoints as members to said committee of conference Sens. Downing, Foley and Green.

## ENROLLED BILLS AMENDMENTS

HB 532, providing a definition for terms of appointment and designating certain exceptions.

### AMENDMENT

Amend the bill by striking out section 5 and renumbering section 6 to read 5.

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

HB 283, providing for the acquisition of a certain dam and water rights on Newfound Lake in the town of Bristol by the water resources board and making an appropriation therefor.

### AMENDMENT

Amend section 1 of the bill by striking out line two and inserting in place thereof the following:

chapter 482-G the following new chapter:

Further amend said section by striking out line three and inserting in place thereof the following:

Chapter 482-H

Amend the bill by renumbering RSA 482-G:1, 2 and 3 as inserted by section 1 to read 482-H:1 482-H:2 482-H:3 respectively.

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

SB 187, clarifying the authority of county conventions to set salaries, relative to the payment of certain Merrimack county salaries, and relative to the per diem of the Merrimack county executive committee.

AMENDMENT

Amend section 3 of the bill by striking out paragraph II.

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

RECESS

OUT OF RECESS

HOUSE MESSAGES

ENROLLED BILLS REPORT

HB 751, providing for the exemption and withdrawal of town and city managers from compulsory membership in the state retirement system.

HB 765, providing full pay to state employees, not to exceed one year, during a total disability resulting from a work-connected accidental injury.

HB 767, providing for the merger of unincorporated religious societies.

HB 817, providing for notice to the municipal conservation commissions, planning board and requiring the posting of permits for dredge and fill.

HB 43, relative to controlling use of heating or agitating devices in the waters of this state.

HB 727, establishing a department of administration and finance and making an appropriation therefor.

HB 248, relative to the construction or reconstruction of a bridge in the town of Jefferson.

HB 336, providing for the calling of a constitutional convention.

HB 472, authorizing the department of education to contract with school volunteer programs for continued services, and making an appropriation therefor.

HB 504, creating an open space land study commission and making an appropriation therefor.

HB 520, to provide for the bonding of state officials and employees; and making an appropriation therefor.

HB 621, permitting the city of Portsmouth to exceed its debt limit for purposes of satisfying a judgment rendered against the city in a suit by the public service company of New Hampshire.

HB 629, relative to the fees for birth registration cards, vital statistics records and certificates of marriage.

HB 652, to expand and encourage the use of voluntary arbitration of disputes in superior court.

SB 178, regulating business practices between motor vehicle manufacturers, distributors and dealers.

HB 875, relative to the salaries of the Somersworth city council.

HB 909, authorizing a special town meeting of the town of Pittsfield with the authority of an annual town meeting.

HB 934, relative to the composition of the ballot law commission.

HB 953, permitting the town of Durham to issue five-year bonds in lieu of collection of a portion of town taxes.

HB 965, requesting a rehearing before the zoning board of adjustment by the board of selectmen.



HB 966, relative to remedies and penalties for violations of laws relating to tidal waters.

### HOUSE CONCURRENCE WITH REQUEST FOR COMMITTEE OF CONFERENCE TO

SB 211, relative to the sale of fresh water smelt caught outside the state for human consumption within the state.

The Speaker has appointed as members of said committee on the part of the House Reps. Patrick, Huggins, Polak, and Maynard.

### HOUSE CONCURRENCE

SJR 22, to reimburse Charles and Catherine Valenti for damage to their water supply.

SB 206, providing that if the insured prevails in a declaratory action against the insurer, he shall receive costs and attorneys' fees.

SB 104, providing for the acquisition of Gile Forest and making an appropriation therefor.

SB 198, relative to the licensing of alarm installers.

SB 172, relative to the marine fisheries fund.

SB 111, providing for the merger of the New Hampshire Teachers' Retirement System into the New Hampshire Retirement System and the protection of the benefits of all persons affected thereby.

SB 107, providing full creditation for teacher members of group I under the New Hampshire retirement system and making an appropriation therefor.

SB 89, providing for vested benefits for teacher members of group I who terminate after completing ten years of creditable service payable in accordance with the applicable service retirement benefits formula and making an appropriation therefor.

SB 88, relative to professional mental health evaluations of minors.

## HOUSE CONCURRENCE WITH AMENDMENTS

HB 577, repealing certain provisions relative to cruelty to children at child-caring agencies.

HB 408, providing for notification to employee under group or blanket accident and health insurance policy that premium is not remitted.

HB 327, permitting various types of financial institutions in New Hampshire to organize and/or participate in service corporations.

HB 591, amending the Rochester city charter by increasing the size of the city council and the school board from twelve to fifteen elected members each, and providing for the election of three members each from each ward for two years terms.

HB 74, relative to regulation of the practice of pharmacy.

HB 739, relative to the selection of engineers and architects.

HB 857, permitting public employees to enter into a deferred compensation plan.

HB 802, permitting the city of Franklin to suspend the verification of the checklist and ratifying the verification and updating of the checklist by the city of Nashua.

HB 898, relative to the authority, right of appointed chiefs of police.

HB 976, relating to savings bank investments in mobile home loans and motor home loans.

HB 503, establishing an administrative procedure act and making an appropriation therefor.

HB 818, relative to the administration of the revenue laws.

HB 747, concerning conservation and preservation restrictions on real property.

HB 1027, amending in general the workmen's compensation laws.

HB 644, relative to the holder in due course doctrine.

HOUSE CONCURRENCE WITH REQUEST FOR  
COMMITTEE OF CONFERENCE TO

SB 2, to provide partial exemption from real estate taxes

for persons sixty-five years of age or older, and complete exemption from real estate taxes for persons seventy years of age or older, under certain circumstances.

The Speaker has appointed as members of said committee on the part of the House Reps. Sayer, Nutt, Hall and Nardi.

### HOUSE CONCURRENCE

SCR 9, memorializing the commissioner of public works and highways to proceed with the construction of the Nashua-Hudson Circumferential Highway as rapidly as funds become available.

### SENATE ADOPTION OF COMMITTEE OF CONFERENCE RECOMMENDATIONS TO

HB 62, relative to the incorporation of trust companies and savings banks and relative to the establishment of branch banks.

HB 96, providing that alternate members may be appointed to zoning boards of adjustment.

HB 703, to transfer or repeal all of title LVIII (crimes and offenses) except Chapters 570-A, 571-B and 585 and to change its title; and to permit the courts to provide for psychiatric examinations by other physicians than those at the New Hampshire Hospital.

### HOUSE NONCONCURRENCE

SJR 21, relative to retirement credit for Lawrence E. Marchand, employee of the city of Berlin.

SB 81, establishing a Commission on Children and Youth.

SB 29, to authorize the director of fish and game to open hunting and fishing seasons to residents other than during the regular season.

SB 221, to increase resident fishing and hunting license fees and non-resident fishing license fees.

SB 196, relative to collective bargaining rights of public employees.

SB 153, relative to exemptions allowed applicable to legacies and succession tax to non-related persons.

SB 249, relative to education in the field of property tax administration and making an appropriation therefor.

SB 11, providing for annual summary fiscal reports.

SB 82, providing for the standard allowance payable to a teacher member of group I under the New Hampshire Retirement System to be a modified cash refund and making an appropriation therefor.

SB 207, amending the New England higher education compact.

SB 228, establishing a committee to recommend a codification of the environmental laws of the state.

SJR 1, establishing a committee to study the effect on the state government resulting from population growth, including the present and potential consequences relative to pollution of land, water, and air; the economic, social and educational problems associated with this growth; and making an appropriation therefor.

SB 181, relative to participation in New England power pool and referred said bill to the Joint Committee of Interstate Cooperation with report by June 1, 1974.

SB 233, establishing a commission to recommend three candidates for all judicial appointments and referred said bill to the Judicial Council.

SB 113, establishing the Franklin Pierce Law Center and referred it to an interim study committee consisting of members of the Education Committee and the New Hampshire Post Secondary Education Commission to report back not later than December 1, 1973.

#### HOUSE ADOPTION OF ENROLLED BILLS AMENDMENTS TO

SB 187, clarifying the authority of county conventions to set salaries.

HB 123, providing for the acquisition of the Kelley Falls dam and water rights by the water resources board and making an appropriation therefor.

HB 14, abolishing the six month residency requirement for

voting repealing the provision for transfer cards; and providing that voters must be registered ten days before an election.

HB 470, establishing a New Hampshire Housing Commission and making an appropriation therefor.

HB 689, relative to prohibiting the use of petroleum powered boats on Mount William Pond in the town of Weare.

### HOUSE REQUESTS CONCURRENCE WITH AMENDMENTS TO

SB 149, relative to the location of hearings for proposed electric power plant and major transmission siting.

Sen. Porter moved the Senate nonconcur with the amendment and request a committee of conference.

Adopted.

The Chair appointed as members to said committee of conference Sens. Porter, S. Smith and Foley.

SB 110, relative to service retirement benefits under the New Hampshire Retirement System.

Sen. Spanos moved that the Senate nonconcur with the amendment and request a committee of conference.

Adopted.

The Chair appointed as members to said committee, Sens. Foley, Spanos, and Provost.

Sen. Spanos moved that the order whereby the Senate voted to nonconcur with the House in respect to SB 110 be revoked and that we concur with the House amendment.

Adopted.

SB 110, relative to service retirement benefits under the New Hampshire Retirement System.

(See House Journal for amendment)

Amendment adopted.

SB 155, relative to limitations on the loaning authority of building and loan associations, cooperative banks and savings and loan associations.



Sen. Poulsen moved that the Senate concur with the House amendment.

(See House Journal for amendment)

Amendment adopted.

SB 270, to repeal charters of certain corporations.

Sen. S. Smith moved that the Senate concur with the House amendment.

(See House Journal for amendment)

Amendment adopted.

SB 179, abolishing the restriction prohibiting state liquor stores from operating within close proximity to schools, churches and parish houses.

Sen. Provost moved that the Senate nonconcur with the House amendment and request a committee of conference.

Adopted.

The Chair appointed to said committee of conference Sens. Provost, Brown and Sanborn.

SB 67, changing the compensation of certain state law enforcement employees.

Sen. S. Smith moved that the Senate concur with the House amendment.

(See House Journal for amendment)

Amendment adopted.

SJR 19, making an appropriation for the planning and design of the proposed Alan B. Shepard state park in Derry.

Sen. Blaisdell moved that the Senate nonconcur with the House amendment and request a committee of conference.

Adopted.

The Chair appointed as members to said committee of conference Sens. Brown, Blaisdell and Preston.

SB 112, relative to neglected, delinquent and abused children.

Sen. Spanos moved that the Senate nonconcur with the House amendment and request a committee of conference.

Adopted.

The Chair appointed as members to said committee of conference, Sens. S. Smith, Spanos and Bradley.

SJR 8, relative to retirement credit for Mary S. Downey.

Sen. Ferdinando moved that the Senate nonconcur with the House amendment and request a committee of conference.

Adopted.

The Chair appointed as members to said committee of conference, Sens. Ferdinando, McLaughlin and Poulsen.

SB 66, to provide for continued monitoring of Old Man of the Mountains rock formation, and making an appropriation therefor.

Sen. Poulsen moved that the Senate concur with the House amendment.

(See House Journal for amendment)

Amendment adopted.

SB 173, providing for legal service corporations which shall offer legal insurance.

Sen. Spanos moved that the Senate concur with the House amendment.

(See House Journal for amendment)

Amendment adopted.

SB 256, extending the application period for licensed public accountants.

Sen. Claveau moved that the Senate concur with the House amendment.

(See House Journal for amendment)

Amendment adopted.

SB 70, relative to per diem paid monthly to employees of the state police for expenses incurred in the performance and discharge of their duties.

Sen. R. Smith moved that the Senate concur with the House amendment.

(See House Journal for amendment)

Amendment adopted.

SB 156, relative to penalties for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission.

Sen. S. Smith moved that the Senate concur with the House amendment.

(See House Journal for amendment)

Amendment adopted.

SB 100, providing an additional (cost of living) retirement allowance for persons receiving retirement on June 30, 1973.

Sen. Green moved that the Senate concur with the House amendment.

(See House Journal for amendment)

Amendment adopted.

SB 76, relative to tuition payments for handicapped children and making an appropriation therefor.

Sen. Green moved that the Senate nonconcur with the House amendment and request a committee of conference.

Adopted.

The Chair appointed as members to said committee of conference Sens. Green, S. Smith and Foley.

SB 120, providing that each county must participate in and pay for the commodity food distribution program.

Sen. Lamontagne moved that the Senate concur with the House amendment.

(See House Journal for amendment)

Amendment adopted.

SB 165, providing for per diem and expenses for state council on aging and for expenses for state commission on the status of women.

Sen. S. Smith moved that the Senate nonconcur with the House amendment and request a committee of conference.

Adopted.

The Chair appoints Sens. S. Smith, R. Smith and Foley.

SJR 16, relative to retirement credit for Thomas A. Bolton and allowing Ernest W. Weeks to enter the retirement system and receive credit for prior employment.

Sen. Foley moved that the Senate concur with the House amendment.

(See House Journal for amendment)

Amendment adopted.

Sen. S. Smith moved that the order whereby he was appointed as a member to the Conference Committee on SB 165 be revoked and that Senator Gardner be appointed in his place.

Adopted.

HB 257, relative to the prohibition of certain promotional games.

Sen. Bradley moved that the Senate nonconcur with the House amendment and request a committee of conference.

Adopted.

The Chair appointed as members to said committee of conference, Sens. Bradley, Downing and Blaisdell.

#### HOUSE NONCONCURRENCE AND REQUEST FOR A COMMITTEE OF CONFERENCE

HB 299, to designate certain highways as bicycle trails and making an appropriation therefor.

The Speaker has appointed as members to said committee of conference on the part of the House of Representatives, Reps. Tilton, Ladd, Hough and Lefebvre.

On motion by Senator Blaisdell the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee of conference, Sens. Blaisdell, Brown and Preston.

HB 150, providing for solid waste disposal and resource recovery.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Scamman, Milbank, Lint and David Bradley.

On motion by Sen. Porter the Senate voted to accede to the request of a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. Porter, Trowbridge and Foley.

HB 748, relative to the definition of accidents for the rating of insurance policies.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Bigelow, Bartlett, R. Wilson and Burrows.

On motion by Senator Ferdinando the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee of conference Sens. Ferdinando, Bossie, and Blaisdell.

HB 836, expanding the jurisdiction of the public utility commission to regulate water companies as public utilities except for municipal water companies.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Hoar, Hildreth, Bernier, and Duprey.

On motion by Senator Claveau the Senate voted to accede to request for a committee of conference.

Adopted.

The Chair appointed as members to said committee, Sens. Claveau, Poulsen and Downing.

HB 910, relative to protecting consumers in the sale of consumer goods.



The Speaker has appointed as members of said committee of conference on the part of the House of Representatives Reps. McManus, Record, Dudley and Nutting.

On a motion by Senator Bradley the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. Bradley, Porter and Lamontagne.

#### HOUSE REQUESTS CONCURRENCE WITH AMENDMENTS TO

SB 34, relative to requiring certain foreign corporations to file a copy of their corporate charter and a copy of their record of organization with the secretary of state and relative to the content of annual returns of corporations and other associations.

Sen. Lamontagne moved that the Senate concur with the House amendment.

(See House Journal for amendment)

Amendment adopted.

SB 130, to indemnify officers and employees of municipalities and school districts from liability for damages, and to allow insurance coverage for the liability.

Sen. Bradley moved that the Senate nonconcur with the House amendment and request a committee of conference.

Adopted.

The Chair appointed as members to said committee of conference Sens. Bradley, Poulsen and Blaisdell.

#### HOUSE NONCONCURRENCE AND REQUEST FOR COMMITTEE OF CONFERENCE ON

HJR 47, providing for a legislative committee to study the means of implementing a furlough system at the New Hampshire state prison.

The Speaker has appointed as members of said Committee of Conference on the part of the House of Representatives, Reps. C. Heald, Zechel, McManus and Buckley.

On motion by Senator McLaughlin the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. McLaughlin, R. Smith and Bradley.

HB 607, limiting the right to suit and guaranteeing compensation for medical expenses and lost wages to persons involved in motor vehicle accidents.

The Speaker has appointed as members of said committee of conference on the part of the House of Representatives, Reps. Bigelow, D. Sullivan, Woodward and P. McEachern.

On motion by Sen. Ferdinando the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. Ferdinando, McLaughlin and Bradley.

### ENROLLED BILLS REPORT

HB 358, relative to overtime pay for nursing home employees.

HB 376, providing for a commission to study the state constitution in preparation for the 1974 constitutional convention.

HB 701, rent escrow pending appeal in eviction proceeding.

HB 578, relative to the duties of the division of welfare pertaining to child welfare.

HB 781, relative to embalmers, morticians and funeral directors.

HB 804, establishing the ward lines of the city of Franklin.

HB 896, relative to health certificates for child-caring agency personnel.

HB 911, prohibiting the use of outboard motors of more than six horsepower on the Merrymeeting River.

HB 979, establishing the Portsmouth Union School District

and giving such district independent fiscal and appropriating powers.

HB 1017, relative to hunting in special designated areas by certain disabled persons.

HB 470, establishing a New Hampshire Housing Commission; and making an appropriation therefor.

HB 634, limiting political advertising and limiting certain advertising along primary and secondary roads.

HB 850, relative to increasing the fees for beer permits and liquor licenses.

HB 854, relative to the duty of county treasurers.

HB 799, establishing a committee to study the financing of New Hampshire airports.

HB 708, relative to fraudulent receipt of welfare assistance.

HB 68, relative to weights and measures standards.

HB 418, providing additional cost of living retirement allowances for certain retired state employees and policemen and making appropriations therefor.

HB 1015, transferring and repealing existing criminal statutes as proposed by the recodification committee, and making technical amendments to statutes so that they conform to the criminal code.

HB 1020, to enable the director of the division of public health to have the option of designating an alternate to represent him on certain boards.

Sen. Provost  
*For The Committee*

## COMMITTEE REPORTS

Sen. Ferdinando moved that the rules of the Senate be so far suspended as to allow for the introduction of a committee report without previous notice in the Journal.

Adopted.

### HB 637

HB 637, an act eliminating required tax escrow funds on

certain savings bank mortgage loans and providing for payment of interest on all escrow accounts. Ought to pass. Sen. Ferdinando for the committee.

Sen. Ferdinando moved that HB 637 be laid on the table.

Adopted.

#### HB 142

relative to zoning law procedure. Ought to pass with amendment. Sen. Jacobson for the Committee.

#### AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Applicability of Regulations. Amend RSA 31 by inserting after section 88 the following new section:

31:88-a Applicability. Regulations validly adopted under the authority hereof shall be binding without regard to the identity or nature of the owner or user of property and, without limiting the foregoing, shall apply to any and all governmental bodies or agencies.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. JACOBSON: Mr. President, HB 142 originally dealt with RSA 316:4 and in its original form it repealed that portion of the law. What that law did was that if twenty percent of a community protested a proposed change in the community then it would have to go to a two-thirds vote. The House amended the bill back to the two-thirds vote but gave notice with regards to the fact that the protest had to be launched prior to the second public hearing on any change. The committee considered this bill and felt that the original bill was a good bill which puts zoning regulations on the very same basis that any other article in the warrant is on, except bond issues. That's the first part. The second part of the amendment adds a section to the zoning chapters which in effect says that any other political subdivision shall conform to the zoning regulations of the given municipality.

Sen. TROWBRIDGE: Senator Jacobson, am I correct in remembering that last session the legislative doggie bag was HB 42 and now it's 142?

Sen. JACOBSON: Well, Senator HB 42 was an entirely different bill. HB 142 deals with one zoning change and a second zoning change is added to it. There is no other feature to the bill.

Sen. TROWBRIDGE: Senator, this issue was raised in HB 711 as to whether a city or other subdivision had the right to have zoning that would outlaw the building of a county or state building. Can you tell me whether this act would in any way effect the present controversy in Cheshire County where the courthouse has been approved by the county government?

Sen. JACOBSON: This bill does not have that as its legislative intent.

Amendment adopted.

Sen. Claveau moved the following amendment.

#### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### AN ACT

relative to zoning law procedure and relative to the issuance of private dump permits in the town of Hudson.

Amend section 3 of the bill by striking out said section and inserting in place thereof the following:

3 Private Disposal Sites in Hudson. Notwithstanding the provisions of RSA 147, no private disposal site other than those allowed pursuant to RSA 147:30-d, I and II shall be permitted in the town of Hudson unless specifically authorized by a vote of the town at an annual town meeting.

4 Effective Date. This act shall take effect upon its passage.

Division: Yeas, 11; Nays, 7.

Sen. CLAVEAU: This amendment is relative to corporations being able to be granted a permit without the vote of the town.

Sen. PORTER: I am in opposition to the amendment as I feel that it is not germane to the main part of the bill.



Sen. SANBORN: Senator Claveau, doesn't the town of Hudson have anything to protect them from that situation?

Sen. CLAVEAU: They do have zoning.

Amendment adopted.      Ordered to third reading.

### HB 247

relative to a two lane extension of the Spaulding Turnpike. Ought to pass with amendment. Sen. Trowbridge for the Committee.

### AMENDMENT

Amend RSA 256-C:16 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

256-C:16 Spaulding Extension — Opinion Required. Notwithstanding any other provision of law to the contrary, if an environmental protection department or any other similar state agency is established by the 1973 session of the general court, the commissioner of public works and highways shall request the opinion and recommendations of the environmental protection department as to whether the proposed project will conform to its policies with regard to the protection of critical areas affected by the proposed highway. The department shall return its reply expeditiously and may conduct a public hearing thereon. The commissioner shall give consideration to all opinions and shall adhere to recommendations made by the environmental protection department unless said recommendations would completely obstruct the construction of the two lane extension hereby authorized. The department of public works and highways shall also consult with the official regional planning commissions, the mayors, managers or selectmen and the conservation commissions of all affected communities. The department shall follow the same basic procedures relating to taking testimony as is required under federal statutes for federally aided primary highway expansion. Final approval of the highway layout shall be made by the governor and council.

Sen. TROWBRIDGE: HB 247 is a bill that has had some discussion. Basically what it does is increase the amount of money to build the extension of the Spaulding Turnpike. This was amended in the House to be a two lane facility. But in the hearing that we had in Senate Finance we received a good deal of complaint that there weren't any environmental restraints

on the building of the extension because a toll road is not subject to all of the federal regulations. So we proposed an amendment to take care of this.

Sen. LAMONTAGNE: Senator, has the word that was requested to be removed from this bill been removed?

Sen. TROWBRIDGE: I wrote the amendment and I told everyone that I don't expect that in one half hour that I'm going to write the perfect wordage on something that has been the subject of controversy since the beginning of the session.

Sen. SANBORN: Mr. President, I have studied the amendment and I think that it's an excellent compromise.

Sen. GREEN: I rise in support of HB 247 as amended. I believe that the amendment as presented now deserves your support.

Sen. JOHNSON: I concur on this bill and ask the Senate's support.

Amendment adopted.      Ordered to third reading.

## **HB 463**

establishing a sire stakes program and a standarbred breeders and owners development agency. Ought to pass with amendment. Sen. Sanborn for the Committee.

### **AMENDMENT**

Amend RSA 426-A:5 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

426-A:5 Sire Stakes Fund. There is hereby established a fund within the department of agriculture, to be known as the sire stakes fund, which shall be kept separate and distinct from all other funds appropriated to such department. All revenue received pursuant to the provisions of RSA 284:22, II, shall be deposited in such fund. Said funds are hereby continually appropriated for the payment of awards and the costs of administering the provisions of this chapter, including the remuneration of the expenses of the board, and shall be disbursed by the commissioner of agriculture or his delegate. The commissioner of agriculture shall file a report annually with the state treasurer

setting forth an itemization of all deposits to, and disbursements from, said sire stakes fund.

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 Payment to Sire Stakes Fund. Amend RSA 284:22, II by striking out said paragraph and inserting in place thereof the following:

II. Commissions on such pools at tracks or race meets conducting a harness horse race or harness horse meet, including tracks or race meets for harness racing conducted by agricultural fairs, shall be uniform throughout the state at the rate of nineteen percent of each dollar wagered plus the odd cents of all redistribution to be based upon each dollar wagered, exceeding a sum equal to the next lowest multiple of ten, known as "breakage," one-half of which breakage shall be retained by the licensee and the balance shall be paid to the state treasurer, one-half of said balance for the use of the state in accordance with the provisions of RSA 284:2, the remaining half of the balance shall be deposited in the sire stakes fund established by RSA 426-A:5.

Amend section 3 of the bill by striking out said section and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

Sen. SANBORN: Mr. President, this is relative to the establishment of a sire stakes program and a standardbred breeders and owners development agency. So I am requesting that  $\frac{1}{4}$  of the breakage goes to the sire stakes program.

Sen. SPANOS: Mr. President and Members of the Senate, I arise in opposition to the adoption of the amendment offered by the Senate Finance Committee — and I do so with the full knowledge of the Finance Chairman who has been informed as to my feelings on this subject — i.e., the encouragement by the state of the breeding of horses.

I object to the amendment for several reasons:

(1) If this amendment is adopted, it will cost the state treasury approximately \$36,000 for the biennium — not \$50,000 as passed by the House and not \$250,000 as recommended by

the Senate Ways and Means Committee, after Governor Thomson's office offered the amendment asking for the increase.

(2) The breeding of horses is far from the top as a priority in terms of meeting the needs of the people of New Hampshire.

(3) I am not happy over the fact that the Governor has threatened to veto other needed legislation if we do not pass House Bill 463, including the veto of a bill which would in all *probabilities* cause Rockingham Park to fold up and which event would cost the state in the vicinity of eight million dollars for the biennium. I don't like the idea of the Governor playing "Russian roulette" with one of the state's chief sources of revenue.

(4) The word has it that the Governor of this state favors this bill because he must keep a pre-election commitment to a strong supporter of his, who incidentally owns horses.

(5) But I oppose this amendment most of all because I am sick and tired of hearing and reading about the Governor's passionate concern for frugality, economy and efficiency and not one word about the Governor's support for this venture. I want the record to show — I want the people back home to know that we have a Governor on the one hand who makes public pronouncements each day as the friend of the taxpayer, characterizes the Legislature's current budget as a spendthrift budget and inflationary, who chastises the General Court for a budget filled with "gimmicks" and on the other hand proposes and strongly and fanatically supports and unduly pressures in the bill's behalf, the spending of money for a program which I think is as much needed as having more than one appendix. I wonder how many taxpayers would see the Governor as their Sir Galahad were these facts known to them?

Mr. President, the Governor has either a warped sense of priorities in that he values horse breeders over the poor, the elderly, the physically and mentally infirmed, or he continues to play to the galleries with declarations of economy in government while committing the cardinal sins for which he crucifies the General Court.

I sincerely hope that the truth will win out and that the people of this state will see things as they are.

Sen. BLAISDELL: Mr. President, I rise in support of the

committee report. I do it basically because of the \$360,000 that we will spend in this program, I believe that it will assure all of us in this state in receiving the 9 million dollars that we receive out of Rockingham Park. I think that it's a fine investment for our state.

Sen. DOWNING: I rise in support of the committee report. As you know this bill has the support of the Ways and Means and Administrative Affairs Committee. And I am grateful for the Finance committee for having found a way to finance this and I urge your support.

Amendment adopted.      Ordered to third reading.

Sen. Foley wished to be recorded as voting against HB 463.

Sen. Downing moved that HB 463 be placed on third reading and final passage at this time.

Adopted.

Third reading and final passage

HB 463, establishing a sire stakes program and a standard-bred breeders and owners development agency.

Adopted.

Sen. Blaisdell moved reconsideration of HB 463 at this time.

Motion lost.

Sen. Lamontagne moved that HB 66 be taken from the table.

Adopted.

## HB 66

establishing a flat rate of registration fee for all passenger motor vehicles except trucks and providing for a monthly proration of the fee. Ought to pass. Sen. Claveau for the majority; Inexpedient to legislate, Sen. Poulsen for the Minority.

Sen. CLAVEAU: This sets up a charge of twenty-four dollars for the registration of an automobile. The Motor Vehicle Department was in favor of this bill because it would make registrations more simple.



Sen. Poulsen moved that HB 66 be indefinitely postponed.

Sen. POULSEN: Mr. President, there are two things. There is no question that this will add to the owners and operators of small cars. They are now paying 15 dollars for plates and they will go up to twenty-four. I urge that this bill be defeated.

Sen. CLAVEAU: Are you aware that the person registering the car would still have to pay the town tax?

Sen. POULSEN: Yes.

Sen. CLAVEAU: Do you agree that the Highway Department is funded with the gasoline tax?

Sen. POULSEN: Yes, I would.

Sen. CLAVEAU: Do you also agree that the less gas involved the less money for the Highways?

Sen. POULSEN: It's probably quite true.

Sen. CLAVEAU: So don't you think that those who use the highways should do their fair share of using the highways?

Sen. POULSEN: I think that it should go on the amount of gas that's used.

Sen. PORTER: Would the passage of the bill in any way help in the situation that we run into in towns every year where everyone ganged up trying to get their cars registered. Will that help that problem?

Sen. POULSEN: I think that it would be helped by the redesignation rather than by charging a different fee.

Sen. PRESTON: Mr. President, I'd like to speak for the pending motion to indefinitely postpone. I have here a letter from the Director of Motor Vehicles in answer to my inquiries regarding this bill and it reads as follows:

The Director of Motor Vehicles agrees that the small car owner will pay more. It's been stated that the Cadillac owner will pay \$11 less.

The Director also states that there are only 92,877 so-called smaller vehicles and 286,682 larger vehicles and that the increase in revenue to the state is approximately \$750,000. If this

is so, I submit to you that the 92,877 small car owners will pay the additional cost and more so, would make up for the revenues lost by the large car owner.

In my mind this bill increasing the charge to \$24.00 would be similar to charging a \$200.00 resident tax, regardless of a person's income to raise revenues. I think this is wrong and I urge we vote indefinite postponement. This bill would penalize those, in most cases, that can least afford it.

Sen. DOWNING: Senator Preston, don't we in fact have a flat rate residence tax rate now?

Sen. PRESTON: Yes, we do.

Sen. LAMONTAGNE: Mr. President and members of the Senate, I rise in opposition to this. I personally feel that this bill ought to pass. After all, the tax that you get for your car goes for the privilege of driving on our highways.

Sen. PRESTON: Senator Lamontagne, if this is to increase the revenue of the state some \$50,000 and the large car owners are going to save money will we have the small car owners making up the difference for the state?

Sen. LAMONTAGNE: They have the same use of the highways as the larger cars.

Sen. GREEN: I'd like to rise in opposition to the motion on the floor. I do so as a small car owner. However, I do feel that the bill is financially responsible enough to act on.

Sen. CLAVEAU: I'd like to point out that this bill was presented for the Department of Motor Vehicles.

Sen. TROWBRIDGE: I am for the pending motion, because the issue of paper work is in reality a flat cost and the wear and tear of larger cars is paid in the town register.

Division: Yeas, 13; Nays, 9.

Adopted.

Sen. Spanos moved that the rules of the Senate be so far suspended as to place all bills in possession of the clerk on third reading and final passage at the present time and that all bills be ordered to third reading be read on third reading and that all titles of the bills and resolutions be the same as previously read by this resolution.

Adopted.

Third reading and final passage

HB 514, relative to representative school district voting rights in supervisory union matters.

HB 1023, providing that failure to comply with requirements for notice of, and holding of, a public hearing of the county budget shall constitute prima facie evidence of wilful neglect of duty.

HB 508, creating centralized land acquisition procedures; establishing a natural heritage conservation fund, making an appropriation therefor, and authorizing the issuance of bonds for such fund.

HB 1028, establishing the New Hampshire Transportation Authority; and making an appropriation therefor.

HB 433, increasing the state's payment of group hospital and medical insurance for state employees and to provide ordinary death benefits for certain group I members of the New Hampshire retirement system.

HB 266, relative to salary increases upon certification and eligibility for certification of certain medical personnel.

HB 202, outlining procedures and providing for search and rescue operations and making an appropriation therefor.

HB 7, providing that resident persons who have attained the age of sixty-five shall be admitted without charge to certain state recreational areas and allowed the use of facilities therein without charge.

HB 296, requiring accident and health insurers and all medical and hospital service corporations to pay claims in spite of payment by another company.

HB 633, relative to the maximum amounts of group life insurance for employees.

HB 784, relative to hawkers and peddlers and street sales.

HB 206, relative to the distribution of resident tax revenues.

HB 141, relative to modification of the business profits tax.

HB 798, dealing with Unemployment Compensation.

HB 901, relative to the exemptions on real property taxes granted to the blind.

HB 862, providing for unemployment compensation to persons refusing to work the third shift for good cause.

HB 760, to authorize towns to appropriate money for programs on the aging.

HB 800, relative to state employees and reimbursing the general fund by transfer of funds.

HB 851, providing for an emergency temporary zoning and planning ordinance and for the adoption of same in emergencies.

HB 964, relative to certain exemptions from filing plans and specifications of sewage disposal systems.

HB 876, relative to the use of sewer rents, hook-ups or betterment charges.

HB 935, to clarify certain forms of voter intimidation.

HB 777, relative to the combined office of town clerk-tax collector.

HB 923, enacting new salary grades for all classified and unclassified employees and establishing uniform overtime for classified employees.

HB 657, establishing a multi-use statewide trail system.

HB 878, relative to the definition of parent for the purpose of defining eligibility for aid to families with dependent children; providing for verification and investigation of eligibility of applicants for aid to families with dependent children; actions against absent parent; and requiring recipients of aid to families with dependent children to actively seek employment and making an appropriation therefor.

HB 755, conferring immunity from civil suit on municipal executives acting in their official capacity.

HJR 37, providing for 1975 World Cup Championship at Cannon Mountain and making an appropriation therefor; making an appropriation for the city of Manchester for promotion of Babe Ruth World Series; and making an appropriation to reimburse Judith Cabanel for damage to clothing.

HB 485, prohibiting a motion for reconsideration on bond or note issues of over one hundred thousand dollars.

HB 434, relative to referendum voting by absentee ballot in biennial elections.

HB 10, relative to registration and operation of off highway recreation vehicles and making an appropriation therefor.

HB 1036, authorizing local school districts to assess tuition costs, if federal funds are not available, for pupils living on federally owned or leased property.

HB 142, relative to zoning law procedure and relative to the issuance of private dump permits in the town of Hudson.

HB 247, relative to a two lane extension of the Spaulding Turnpike.

## RECESS

## OUT OF RECESS

## ENROLLED BILLS REPORT

HB 778, establishing a joint committee on legislative management and making an appropriation therefor.

HB 847, permitting inmates of county jails or house of correction to work at municipally owned recreational facilities or conservation projects.

HB 865, providing for certain motor vehicle privileges free to permanent and totally disabled veterans.

Sen. Provost  
*For The Committee*

## HOUSE NONCONCURRENCE

SB 212, establishing a commission to study the state retirement systems and making an appropriation therefor.

SJR 13, to establish an interim study of uniform vehicle laws.

SB 262, relative to an alternate form of county government and referred said bill to Standing Committee on Municipal and County Government for interim study.



## HOUSE CONCURRENCE

SB 61, relative to workmen's compensation for state employees; creating a workmen's compensation review commission for state employees and making an appropriation therefor.

SB 137, establishing a State Historic Preservation Office; and making an appropriation therefor.

SB 244, to reorganize the present fire service training program.

SB 159, permitting the water supply and pollution control commission to continue minimum algae control effort in the surface waters of the state, and making an appropriation therefor.

SB 248, authorizing the governor to enter into a contract with Schools of Dental Medicine to guarantee openings for qualified New Hampshire students and making an appropriation therefor.

SB 267, relative to dual enrollment and child benefit services.

## CHANGE OF CONFEREES

Rep. Altman has replaced Rep. Parr as a House conferee on HB 475, relative to fees payable to cities and towns where racing meets are held.

Reps. Benton and Hoar have replaced Reps. McLane and Duprey as House conferees on HB 33, requiring poultry and meat slaughterhouses and processing plants to pay the cost of inspections conducted outside of regular business hours and providing for overtime pay for employees of the Department of Agriculture.

Rep. George B. Roberts, Jr. has replaced Rep. David T. Sullivan as a House conferee on HB 607, limiting the right to suit and guaranteeing compensation for medical expenses and lost wages to persons involved in motor vehicle accidents.

HOUSE REQUESTS CONCURRENCE  
WITH AMENDMENTS TO

SB 250, to permit the Barrington school district to withdraw from the Rochester authorized regional enrollment plan.

Sen. Green moved that the Senate concur with the House amendment.

(See House Journal for Amendment)

Amendment adopted.

SB 92, providing total property tax exemption for all totally disabled veterans of any branch of the armed forces.

Sen. Green moved that the Senate concur with the House amendment.

(See House Journal for Amendment)

Amendment adopted.

SB 245, relative to the duties of the state treasurer and director of the division of accounts.

Sen. S. Smith moved that the Senate concur with the amendment.

(See House Journal for Amendment)

Amendment adopted.

SB 237, relative to food programs operated for benefit of elderly on school property.

Sen. Bossie moved that the Senate concur with the amendment.

(See House Journal for Amendment)

Amendment adopted.

SB 75, adopting the uniform management of institutional funds act.

Sen. Bradley moved that the Senate non-concur with the House amendment and request a committee of conference.

Adopted.

The Chair appointed as members to said committee. Senators, Bradley, Bossie, and Jacobson.

SB 202, relative to the construction of Dover-Somersworth interchange number nine of the Spaulding Turnpike and making an appropriation therefor.

Sen. Johnson moved that the Senate concur with the House amendment.

(See House Journal for Amendment)

Amendment adopted.

Sen. Claveau moved that the rules of the Senate be so far suspended as to allow the introduction of a committee report without previous notice in the Journal.

Adopted.

### HB 811

making appropriations for capital improvements.

Ought to pass with amendment. Sen. Claveau for the Committee.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of twenty-one million four hundred ninety-eight thousand three hundred and seventy dollars is hereby appropriated for the projects detailed in this section for the purpose of capital improvements and long term repairs, which include such related improvements, facilities, equipment, and furnishings as are necessary to complete the same. The appropriations for the projects are as follows:

I. Adjutant General		
Concrete floor — Manchester Armory		\$50,000
II. Administration and control		
(a) Restore and refurbish legislative chambers and 3rd floor of state house	\$200,000*	
(b) Refurbish exterior of state house	84,000	
(c) Renovate first floor toilets	29,000	
(d) Clean and paint exterior — state library	50,000	
(e) Repairs to purchase and property warehouse	50,000	
Total Paragraph II		413,000

\* The projects for which these appropriations are made shall, notwithstanding any statutes to the contrary, be under the complete and sole control of the speaker of the house and president of the senate jointly.

III. Aeronautics Commission			
(a) Nashua — Land for ILS	\$200,000		
Less Federal	150,000		
Net Appropriation		\$50,000	
(b) Lebanon — Taxiway	112,000		
Less Federal	84,000		
Net Appropriation		28,000	
Total Paragraph III			78,000
IV. Education			
(a) Nashua			
Automotive building		788,000	
(b) Claremont			
Allied health science building		1,300,000	
(c) Laconia			
New equipment graphic arts presses		89,000	
(d) Concord			
Minimum maintenance of campus road		2,000	
(e) Berlin			
Expand baking kitchen	74,480		
Automotive shop addition	92,240	166,720	
(f) Manchester			
Library extension	200,000		
Grounds maintenance equipment	16,000		
Total		216,000	
Total Paragraph IV			2,561,720
V. Health & Welfare			
(a) Office building — phase II		9,800,000	
(b) N.H. home for the elderly (Glenclyff)			
(1) Renovate warehouse to occupation therapy	46,000		
(2) Repair chimney	10,000		
(3) Laundry	73,000		
Total		129,000	
(c) N.H. hospital			
(1) Reline fuel oil tanks	16,000		
(2) Equipment for main building kitchen	23,000		
(3) Plumbing, renovation, etc. in south side main building	60,000		
(4) Plumbing, renovation, etc. in north side main building	75,000		
(5) Dolloff Building — renovate to life safety code, etc.	70,000		
(6) Reconstruction and renovate to Thayer, Tobey, Walker, and Brown buildings			
A. Design and engineering all four buildings	260,000		
B. Reconstruction and renovate Thayer Building complete:			
Construction	490,000		
Contingencies	73,000		
Equipment	25,000		
Total		1,092,000	

(d) Laconia State School & Training Center			
(1) Laundry equipment	50,000		
(2) Dairy barn conversion	35,000		
(3) Renovate electrical entrance and outside wiring phase I	120,000		
Total		205,000	
Total Paragraph V			11,226,000
V. New Hampshire Youth Development Center			
Spaulding Cottage renovation			50,000
VII. Liquor Commission			
Addition to Portsmouth Store No. 38	245,000		
Hooksett Plaza Liquor Store	518,000		
Total Paragraph VII			763,000
VIII. Port Authority — Portsmouth			
(a) Commercial fishing facility preliminary designs and borings	5,000		
(b) Design engineering and construction plans	15,000		
(c) Construction — proposal A Northside Barker wharf area —			
Wharf and ramps	130,000		
Building 50' x 30'	20,000		
Total Paragraph VIII			180,000
IX. Department of Resources and Economic Development			
Relocation and reconstruction of forestry nursery administration building and laboratory, and relocation of warehouse and shop Bear Brook central warehouse and shop area			
		65,000	
(a) Engineering and construction			
Bear Brook — new water supply	42,000		
Bedell Bridge — rebuild bridge only	177,000		
Crawford Notch — dam replacement	75,000		
Franconia — Phase II, snowmaking, novice slope dev.	85,000		
Greenfield — construct shower building	44,000		
Greenfield — expand parking and picnicking area	22,000		
Odiorne Point — site improvement at Frost Point	25,000		
Pawtuckaway — sewage dumping station	10,000		
Pawtuckaway — beach expansion	27,500		
Total	507,500		
Less Federal Assistance	165,250	342,250	
(b) Capital Projects — Utility Construction — 5 Year Bonds			
Franconia Notch State Park — Tram overhaul	100,000		
Mount Washington Summit Park Water System	32,000	132,000	



(c) Acquisition of railroad rights-of-way	\$1,000,000*	
Less federal assistance and in kind revenues as footnoted	1,000,000	
Net appropriation		00.00
Total Paragraph IX		539,250

X. Department of Safety		
(a) Office Building		
Plans and engineering only including parking layout and drawings	250,000	
(b) Safety Services		
Boat house —rebuild and expand	23,000	
(c) State Police		
Renovate radio station and building	8,000	
Total Paragraph X		281,000

\* Notwithstanding other provisions of law, Governor and Council are authorized to expend up to \$1,000,000 for purchase of railroad rights-of-way with or without trackage and improvements, and may further utilize federal funds, grants, gifts, donations and funds received from uncollected railroad taxes levied prior to date of enactment. If above funds are not available all expenditures shall be reduced accordingly.

XI. Veteran's Home		
Nursing care unit	1,906,000	
Less federal funds	953,000	
Total Paragraph XI		953,000

XII. State Prison		
Improvements and repairs as follows:		
replacing windows (main cell block) ;		
renovate heating (main cell block) ;		
new roofs on hospital and old boiler room;		
No. 1 boiler conversion burner;		
toilets for annex;		
renovate annex;		
maximum security cells in old hospital area		240,000

XIII. Water Resources Board		
1. Union Meadows	38,000	
2. Kingswood Lake	47,000	
3. Glen Lake	133,000	
4. Howe Reservoir	26,000	
5. Winnisquam Lake	100,000	
Total Paragraph XIII		344,000

XIV. Water Supply and Pollution Control Commission		
(a) Regional waste treatment plant		
Winnepesaukee River Basin	18,260,000	
Less federal funds	13,695,000	
Less local funds	913,000	
Total Paragraph XIV		3,652,000

XV. Public Works and Highway, Division of  
Contractual maintenance projects:

5 Year Bonds

1. Laconia State School and Training  
Center

(a) Murphy Building	
Install high tub	2,000
(b) Quimby Building	
Elevator repairs	3,000
(c) Powell Building	
Replace heating system	7,500
(d) Smith Farm	
(1) Install new boiler and radiation	4,000
(2) Replace existing water main	1,300

Total

17,800

2. New Hampshire Youth Development  
Center

(a) Boiler house

(1) Install boiler stand-by feed pump	2,500
(2) Rebrick refractories of No. 2 & No. 3 boilers	10,000
(3) Install manually-operated shutter-type ventilator in an existing window opening	3,000

Total

15,500

(b) Riverview cottage

Replace hot water tank (high priority)	2,500
Renovate shower, toilet and washroom in basement	16,000

Total

18,500

(c) Main building kitchen

(1) Ventilation and new ceiling over dishwasher and steam table	10,000
(2) Correct fume hood over stoves to reduce fire hazard	6,000
(3) Install ventilating hood with roof fan in bakery room	3,000

Total

19,000

(d) Sanders Building

Replace hot water tank	3,500
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(e) Gymnasium

(1) Replace 3" steam main in tunnel under building	4,000
(2) Replace filtering tanks for swimming pool	1,500
(3) Replace deteriorated steam unit heaters, valves, traps, and electrical controls in swimming pool area	3,500

Total

9,000

(f) Main building laundry	
Replace hot water storage tank	4,500
(g) Site:	
(1) Replace supply and return underground steam lines between Spaulding & Pinecrest Cottage	5,000
(2) Replace 5" expansion joint and install new wall anchors on steam supply line in tunnel between Boiler House & Cannery building	2,500
(3) Install underground shut-off valve for hydrant off S.E. corner of Wilkins Cottage (If this hydrant is broken by snow plow there is no way of turning water off without shutting down everything on the main)	1,000
Total	8,500

Total New Hampshire Youth Development Center 78,500

3. New Hampshire Home for the Elderly, Glencliff	
(a) Replace present 5" underground steam main to service building	6,500
(b) Replace the topmost 1' — 0" $\pm$ of gravel in the sewage disposal filter beds	2,500
(c) Replace roofs on upper level of Adams Hall (nurses home)	2,500
Total	11,500
4. New Hampshire Hospital, Concord, N. H.	
Boiler room	
(a) Calibration of boiler room equipment and all electric meters in power plant	3,000
(b) Overhauling elevators	35,000
Reinsulate warehouse freezer	10,000
Total	48,000

5. New Hampshire Vocational-Technical College	
(a) Portsmouth	
Investigate and correct water leakage through pre-cast concrete spandrel beam East wall, first floor of main building	1,500
(b) Berlin	
Increase size of main sewer line and add manhole	3,000
(c) Nashua	
Install catch basin and approximately 400' of pipe east end of main access to school from Thornton Road	3,500

Total 8,000

6. Adjutant General's Department		
(a) Claremont Armory		
Retube boiler	1,800	
(b) Military Reservation, Concord		
Administration Building		
New refractory in boiler	1,800	
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Total		3,600
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Total Paragraph XV		167,400
		<hr/>
Total section 1		\$21,498,370
		<hr/> <hr/>

## 2 Appropriation, University of New Hampshire.

Appropriation. The sum of ten million one hundred twenty-four thousand dollars is hereby appropriated for the projects detailed in this section for the purpose of purchasing, constructing, furnishing and equipping new educational facilities, alterations, and additions to certain present buildings, services, and utilities at the University of New Hampshire system as follows:

I. Merrimack Valley Branch		
(a) Development of outside utilities	\$3,441,000	
(b) Construction of outside building	1,516,000	
(c) Design and working drawings of second building	160,000	
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Total		\$5,117,000
II. Keene Campus		500,000*
Renovation of former Elliott Hospital		
III. Plymouth Campus		
New academic building complete	4,025,000	
IV. Durham Campus		
Complete renovation of James, Morrill, Murkland, and Kingsbury Halls to conform with N.H. Life Safety Code	402,000*	
V. All Campuses		
Phase I of installation of fire detection systems in various buildings to comply with N.H. Life Safety Code	80,000*	
	<hr/>	
Total Section 2		\$10,124,000

\* These funds shall not be transferred or used for any other purpose.

3 Expenditures, General. The appropriation made for the purposes mentioned in section 1 and the sums available for those projects shall be expended by the trustees, commission, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts for projects and plans and specifications therefor, shall be awarded in accordance with the provisions of RSA 228.

#### 4 Expenditures, University of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the University of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of two successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than thirty days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. Availability of Appropriation. The appropriations made in section 2 are available for all costs incident to the erection, furnishing, and equipping of these facilities including the necessary extension of utilities and includes the cost of the services of architects, engineers, and other consultants of such kind and capacity as the University Board of Trustees may, in its discretion, wish to employ on such terms and conditions as the Board determines, and include the cost of furnishings and equipping the facilities with moveable equipment and furnishings not affixed to the buildings, and which are not listed in the specifications approved for implementation of the construction plans. These monies shall be spent under the direction of the University board of trustees.

III. Rejection of Low Bids. If, in the judgment of the trustees of the University, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder, or if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. Rejection of All Bids. The board of trustees of the University has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the three lowest bidders for a contract for the construction upon terms con-



sidered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

5 Land Acquisition. Any land acquired under the appropriations made in section 1, except such land, if any, as may be acquired under the appropriation for water resources board, shall be purchased by the commissioner of public works and highways, with the approval of governor and council.

6 Bonds Authorized. To provide funds for the appropriations made in sections 1 and 2 of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of thirty one million six hundred twenty two thousand three hundred seventy dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

7 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state.

8 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187:24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of section 2 hereof.

9 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To establish the priority of undertaking any projects herein before enumerated in section 1.

II. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

III. To accept any federal funds which are or become available for any project under section 1 beyond the estimated

amounts. Such funds shall reduce appropriations and the bond authorizations made under these sections accordingly.

10 Transfers. The individual project appropriation, as provided in sections 1 and 2 shall not be transferred or expended for any other purposes; provided, however, that the governor and council may transfer any balance estimated to be available upon completion of an individual project to other projects within the same section.

11 Certain Water Resources Appropriations of 1965, 1967, 1969 and 1971 Extended. The following appropriations to the water resources board providing for the specified capital expenditures shall be available for expenditure until July 1, 1975:

I. 1965, 281:1, X, as extended for use by 1967, 394:15; 1969, 351:1 and 1971, 559:14.

II. 1967, 394:1, VII, as amended by 1969, 51:2 and extended by 1970, 56:12.

III. 1969, 505:1, XV, (a), (5), and (b) and (c) as extended by 1972, 60:90.

IV. 1971, 559:10.

12 Certain Parks Appropriations of 1971 Extended. The following appropriations to the division of parks providing for the specified capital improvements shall be available for expenditure until July, 1976.

I. 1971, 559:1, VII, (1), (a), (i) Franconia Notch State Park, Tramway cables.

II. 1971, 559:1, VII, (1), (b) Berlin Wayside and Recreation Area.

III. 1971, 559:1, VII, (1), (g) Dredging and Improvements of Hampton Harbor.

13 Appropriation; Mount Washington Commission. The sum of two million nine hundred seventy-three thousand dollars is hereby appropriated to the Mount Washington Commission for capital improvements to be expended as follows:

Mount Washington Summit Facilities

I. Final Design and Contract Plans

\$130,000

II. Construction

2,843,000

Total Section 13

\$2,973,000

14 Mount Washington Bonds Authorized. To provide funds for the appropriation made in section 13 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of two million nine hundred seventy three thousand dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

15 Mount Washington Fund. Amend RSA 227-B by inserting after section 8 the following new section:

227-B:9 Mount Washington Fund. There is hereby established in the office of the state treasurer a fund to be known as the Mount Washington fund which shall be kept separate and distinct from all other funds. Such fund shall be the designation of all fees received from the commission pursuant to RSA 227-B:6, III and all gifts, grants or donations made to the commission pursuant to RSA 227-B:8. From such fund shall be paid the expenses of the commission plus the principal and interest on any bonds which may be issued in the name of the state for the purpose of capital improvements to the summit. Any monies remaining in such fund at the end of the fiscal year not used for the expenses of the commission or debt service charges shall lapse into the general fund of the state.

16 Disposition of Fees. Amend RSA 227-B:6, III as inserted by 1969, 427:1 by striking out said paragraph and inserting in place thereof the following:

III. Collect all fees for the use or lease of state-owned facilities on the summit, such fees to be used by the commission in its duties and for its expenses. Such accounts shall be subject to yearly audit by the comptroller.

17 Construction Authorized. Amend RSA 277-B:6, IV (supp) as inserted by 1969, 427:1 by striking out said paragraph and inserting in place thereof the following:

IV. Carry out the capital improvements to the Mount Washington summit authorized by the general court in a manner consistent with the ten-year master plan prepared by the commission.

18 Disposition of Gifts, Grants and Donations. Amend RSA 227-B:8 (supp) as inserted by 1971, 395:3 by striking out said section and inserting in place thereof the following:

227-B:8 Gifts, Grants or Donations. The commission is authorized to institute a promotional program to solicit and receive any gifts, grants or donations made for the development of the summit and to deposit such gifts, grants or donations in the Mount Washington fund.

19 Payment of Mount Washington Bonds. The payment of principal and interest on bonds and notes issued for projects in section 13 shall be made first from the Mount Washington fund established in RSA 227-B:9 and the balance, if any, shall be made from the general funds of the state.

20 Appropriation Extension. Amend 1972, 42 by inserting after section 4 the following new section:

42:4-a Appropriation Extended. Notwithstanding any other statute to the contrary the appropriation made by this act shall be available for expenditure up to July 1, 1976.

21 Aeronautics Commission. Amend the footnote in Laws of 1969, 505:1, III as amended by Laws of 1972, 62:3 by adding to the footnote the following new paragraph:

(The provisions within this footnote which appear prior to this insertion shall not apply to paragraph III, (b) and (d), but said appropriations shall be matched with any applicable federal funds and shall, notwithstanding the provisions of RSA 9:18, not lapse until June 30, 1974.)

22 Angle Pond Appropriations Increased. Amend 1969, 489:3 by striking out said section and inserting in place thereof the following:

489:3 Expenditure Authorized. The water resources board is hereby authorized to expend a sum of money not to exceed thirty thousand dollars for use in acquiring, repairing and maintaining the dam on North River Pond in the town of Nottingham and the dam at the outlet of Angle Pond in the town of Sandown which shall be a charge against the fund established in RSA 270:5, VII.

23 Pisgah Road Appropriation Reduced and Extended. Amend 1971, 559:1, VII, (1) (e) by striking out the same and inserting in place thereof the following:

(e) Pisgah Road Improvements  
Less Federal funds

\$102,500  
40,000

Total

\$62,500\*

\*Within this appropriation the sum of \$22,500 provides for non-federal BOR participation projects. This appropriation shall not lapse until July 1, 1976.

24 Reducing the Appropriation for the Soldiers' Home. Amend 1971, 559:1, VIII by striking out said paragraph and inserting in place thereof the following:

VIII Soldiers' Home	
Engineering Services — Renovations	\$2,000

25 Reducing the 1971 Capital Budget Bonding. Amend 1971, 559:8, as amended, by striking out said section and inserting in place thereof the following:

559:8 Bonds Authorized. To provide funds for the appropriations made in sections 1, 2, 3, and 16 of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of eleven million four hundred and one thousand one hundred sixty-five dollars and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Provided however that the bonds issued for the purposes of section 3 of this act shall have a maturity date of thirty years from the date of issue.

26 Effective Date. This act shall take effect July 1, 1973.

Sen. CLAVEAU: I'd like to point out we spent four days listening to testimony. The Governor's recommendation was \$22,969,586. The House approved \$24,707,222. The House Appropriations Committee approved \$20,469,970. The Senate Public Works recommendation was \$21,498,370. The total of the three sections was one hundred and ten million.

Sen. TROWBRIDGE: Senator Blaisdell is preparing an amendment because I think that we are not going to bother having a phony hearing in Finance and a phony report in Finance.

Sen. LAMONTAGNE: In the capital budget is there the three million dollars that the Governor wanted for the Port Authority?

Sen. CLAVEAU: No, we didn't change the House appropriation on the Port Authority.

Sen. BLAISDELL: Mr. President and members of the Senate on p. 13 under appropriations under section II it says campus renovation of the former Elliott Hospital \$500,000. The House recommends \$450,000 on this.



Sen. FOLEY: Mr. President, a great deal of work has been done on rehabilitation and I'm putting in an amendment of \$3,000.

Sen. Ferdinando moved an amendment.

Sen. FERDINANDO: This deals with the Port Authority which we thought was included in the committee report but was omitted.

Sen. TROWBRIDGE: Having been involved with the capital budget for many years I have seen this request come in each year to increase the facilities of the Port Authority in order that the Clark Company can be financed by the state of New Hampshire with no guarantee whatsoever of any additional income to the state of New Hampshire or taxes to the city of Portsmouth.

Sen. FERDINANDO: Senator Trowbridge, is it not true that at least if this amendment is passed that it is apt to increase the payroll of the area and apt to provide bigger spaces for ships to come in?

Sen. TROWBRIDGE: If I took four million dollars and said that I'm going to invest it in building plants in Keene, that would apt to be likely to create jobs.

Sen. FOLEY: Mr. President, this is in my area and I feel I should speak to this question. The Port Authority has been a bone of contention in the city of Portsmouth. A great deal of waterfront was taken by the Port Authority and twice we have put in a bill asking that the Clark Company be taxed and last year it was vetoed. If we are allowed to tax this company then we would be in favor.

Sen. FERDINANDO: Is it not possible that the Committee of Conference could come up with a solution?

Sen. FOLEY: Hopefully they could.

Division: Yeas 8, Nays 12.

Amendment lost.

Sen. Nixon moved that HB 811 be laid on the table.

#### HOUSE REQUEST CONCURRENCE WITH AMENDMENT TO

SB 144, providing funds for an increased statewide better-

ment highway reconstruction program to upgrade existing state highways.

Sen. Nixon moved that the Senate concur with the House amendment.

(See House Journal)

Amendment Adopted.

### ENROLLED BILLS AMENDMENT

HB 1018, abolishing certain classified and unclassified positions at the New Hampshire hospital, eliminating free maintenance for all authorized positions at the New Hampshire hospital and establishing new unclassified positions and salary ranges.

### AMENDMENT

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 Maintenance Removed for Certain Employees. Amend RSA 94:5, I (supp) as amended by 1973, 6:6 and 10:5 and by an act passed by the 1973 general court entitled "An Act to delete the positions of warden and deputy warden of the state prison from the list of positions which are entitled to maintenance and to increase the statutory salary for each of these positions." by striking out said paragraph and inserting in place thereof the following:

I. The following positions shall carry with them maintenance:

- (a) at the New Hampshire youth development center
  - (1) superintendent
  - (2) deputy superintendent;
- (b) at the Laconia state school and training center
  - (1) superintendent
  - (2) deputy superintendent;
- (c) at the New Hampshire home for the elderly
  - (1) superintendent
- (d) at the New Hampshire veteran's home
  - (1) commandant

Amendment Adopted.

Sen. Nixon moved that we take HB 811 from the table.

Adopted.

HB 811, making appropriations for capital improvements.

Sen. Blaisdell moved the following amendment.

#### AMENDMENT

Amend section 2, II of the bill by striking out said paragraph and inserting in place thereof the following:

##### II. Keene Campus

Renovation of former Elliot Hospital	700,000*
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Further, be it resolved, that the legislative budget assistant is authorized to change any and all totals in this bill and the total appropriation made and the total bonds authorized in order to reflect the amendment which has been adopted to the bill.

Amendment Adopted.

Sen. Nixon moved that HB 811 be laid on the table.

Adopted.

Sen. Poulsen moved that HB 637 be taken from the table.

Adopted.

#### HB 637

eliminating required tax escrow funds on certain savings bank mortgage loans and providing for payment of interest on all escrow accounts. Ought to pass. Sen. Poulsen for the Committee.

Sen. Poulsen moved the following amendment.

#### AMENDMENT

Amend RSA 384:16-c as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

384:16-c Interest on Escrow Accounts. Any bank which requires or accepts monies for deposit in escrow accounts maintained for the payment of taxes, insurance premiums or other expenses related to loans on property secured by real estate mort-

gages shall credit each such escrow account with interest at a rate not less than two per cent below the rate paid on regular savings deposits in said bank.

Sen. POULSEN: Mr. President, this is a bill eliminating required tax escrow funds on certain savings bank mortgage loans and providing for payment of interest on all escrow accounts.

Amendment Adopted.      Ordered to third reading.

### SUSPENSION OF RULES

Sen. Poulsen moved that the rules of the Senate be so far suspended as to place HB 637 on third reading and final passage at this time.

Adopted.

### Third reading and final passage

HB 637, eliminating required tax escrow funds on certain savings bank mortgage loans and providing for payment of interest on all escrow accounts.

Adopted.

Sen. Poulsen moved reconsideration of HB 637 at this time.

Motion lost.

### HOUSE CONCURRENCE WITH REQUEST FOR COMMITTEE OF CONFERENCE ON

SB 230, relative to child support payments.

The Speaker has appointed as members of said committee on the part of the House, Reps. F. Murray, Pierce, E. Goff and Howard.

### HOUSE ADOPTION OF ENROLLED BILLS AMENDMENTS TO

HB 532, providing a definition for terms of appointment and designating certain exceptions.

HB 283, providing for the acquisition of a certain dam and

water rights on Newfound Lake in the town of Bristol by the water resources board and making an appropriation therefor.

### HOUSE CONCURRENCE

SB 209, relative to free parking in municipal parking areas.

SB 69, relative to selling bettings cards by the sweepstakes commission.

SB 222, providing a moratorium to June 30, 1975 on the issuance of new dog racing licenses.

SB 194, permitting control of outdoor advertising on class IV and V highways. Without recommendation.

SB 266, to approve a road in Merrimack under RSA 162-A:6-b at private expense.

SB 234, providing a limited tuition assistance to New Hampshire high school graduates who wish to attend accredited institutions of higher learning within the state; and making an appropriation therefor.

SB 131, relative to a mandatory penalty for illegal sales of narcotics for profit.

SB 1, establishing an environmental protection department, providing for planning of the consolidation of the functions of existing agencies under it and making an appropriation therefor and referred said bill to the House Environmental Committees (Environment and Agriculture and Resources, Recreation and Development)

Sen. Foley moved that HB 811 be taken from the table.

Adopted.

### HB 811

making appropriations for capital improvements. Ought to pass with amendment.

Sen. Foley moved the following amendment.

### AMENDMENT

Amend section 1, IX, of the bill by inserting after subparagraph (c) the following new subparagraph:



## (d) Fort Constitution

For rehabilitation

\$50,000

Further, be it resolved, that the legislative budget assistant is authorized to change any and all totals in this bill and the total appropriation made and the total bonds authorized in order to reflect the amendments which have been adopted to the bill.

## Amendment Adopted.

Sen. Trowbridge moved that the rules of the Senate be so far suspended as to dispense with sending HB 811 to Finance and send it to third reading.

Adopted. Ordered to third reading.

Sen. Blaisdell moved that the rules of the Senate be so far suspended as to place HB 811 on third reading and final passage at this time.

Adopted.

## Third reading and final passage

HB 811, making appropriations for capital improvements.

Adopted.

Sen. Foley moved Reconsideration of HB 811 at this time.

Motion lost.

## ENROLLED BILLS REPORT

SB 142, amending the Rochester City charter to provide that the mayor shall be a nonvoting member of the school board.

SB 201, enabling the Unitarian-Universalist Church of Portsmouth, New Hampshire and Peirce Memorial Universalist-Unitarian Church of Dover, New Hampshire to consolidate into one corporation named Unitarian-Universalist Church of Portsmouth, New Hampshire.

HB 505, to delete the positions of warden and deputy warden of the state prison from the list of positions which are entitled to maintenance and to increase the statutory salary for each of these positions.

HB 837, establishing the American and Canadian French Cultural exchange commission.

HB 1044, relative to the purchase of handicapped-made products and services by the state.

Sen. Provost  
*For The Committee*

### ENROLLED BILLS AMENDMENT

HB 218, permitting the sale of sweepstakes tickets and authorizing incentive awards to ticket sellers. Ought to pass. Sen. R. Smith for the Committee.

### AMENDMENT

Amend section 1 of the bill by striking out line 3 and inserting in place thereof the following:

(d) May be sold by or for the sweepstakes commission

Amendment Adopted.

Sen. Claveau moved that the rules of the Senate be so far suspended as to allow for a committee report without previous notice in the Journal.

Adopted.

### HB 20

removing the requirement of public convenience and necessity for common carriers by motor vehicles. Ought to pass with amendment. Sen. Claveau for the Committee.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

### AN ACT

relative to the carrying of property for hire by motor vehicles  
and establishing a classified position of transportation  
analysis in public utilities commission.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Common Carrier Certificate. Amend RSA 375-B:5

(supp) , as inserted by 1967, 348:1, by striking out said section and inserting in place thereof the following:

375-B:5 Issuance of Common Carrier Certificate. A certificate shall be issued to any qualified applicant therefor, as defined in RSA 375-B:2, IV, V or VI, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able properly to perform the service proposed and to conform to the provisions of this act, and the requirements, rules and regulations issued by the commission thereunder, and that the proposed service, to the extent to be authorized by the certificate, is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied. A hearing shall be held within ninety days of the filing of the application, and issuance or denial of the certificate shall be made within sixty days of the hearing. Failure to hold the hearing or decide upon the issuance within the required period shall be cause for the automatic issuance of the certificate to the applicant.

2 Contiguous Municipalities Amend RSA 375-B:6 (supp) , as inserted by 1967, 348:1, by inserting after paragraph II the following new paragraph:

III. Any municipality that a carrier may operate in under certificate or permit, constituting the termini, dumping facilities, otherwise, shall be construed to include all municipalities contiguous to the named municipality.

3 Contract Carrier Permit. Amend RSA 375-B:7 (supp) , as inserted by 1967, 348:1, by striking out said section and inserting in place thereof the following:

375-B:7 Issuance of Contract Carrier Permits. A permit shall be issued to any qualified applicant therefor, as defined in RSA 375-B:2, VII, authorizing in whole or in part the operations covered by the application, if it appears from the application or from any hearing held thereon, that the applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle, and to conform to the provisions of this act and the lawful requirements, rules and regulations of the commission thereunder, and that the proposed operation, to the extent authorized by the permit, will be consistent with the public interest and the policy declared in RSA 375-B:1; otherwise such application shall be denied. A hearing shall be held

within ninety days of the filing of the application, and issuance or denial of the permit shall be made within sixty days of the hearing. Failure to hold the hearing or decide upon the issuance within the required period shall be cause for the automatic issuance of the permit to the applicant. The commission shall specify in the permit the business of the contract carrier covered thereby and the scope thereof and shall attach to it, at the time of issuance, and from time to time thereafter, such reasonable terms, conditions, and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the commission under the provisions of this act; provided, however, that no terms, conditions, or limitations shall restrict the right of the carrier to substitute or add contracts within the scope of the permit, or to add to his or its equipment and facilities, as the development of the business and the demands of the public may require.

4 Classified Position Established. The public utilities commission is authorized to employ a transportation rating analysis, subject to the personnel laws of the state.

5 Effective Date. This act shall take effect sixty days after its passage.

Sen. CLAVEAU: Mr. President, this is a bill removing the requirement of public convenience and necessity for common carriers by motor vehicles.

Sen. POULSEN: Senator Claveau, in the hearing it seemed to me that one of the complaints of the truckers was that they had to pay for a transcript which cost them about \$200. Is that still true?

Sen. CLAVEAU: To my knowledge there is no obligation to buy it.

Sen. BRADLEY: Senator Claveau, under section II of the bill I was concerned with the situation where someone who operates out of Hanover without a certificate has an exemption within Hanover, then gets an authorization to haul Hanover trash to Lebanon. Now I want to know is under this section does that man not have to be authorized to go into Plainfield?

Sen. CLAVEAU: Yes.

Sen. PROVOST: In section IV I see that you have a classified position here. Is that in the budget?

Sen. CLAVEAU: No, that is not in the budget.

Sen. PROVOST: How will you pay that employee?

Sen. CLAVEAU: We'll send that to Finance.

Sen. LAMONTAGNE: Mr. President, and members of the Senate, there is no question about it that I don't feel that the position provided for in this bill has been provided with anything to do with HB 20.

I am going to support the amendment as it comes from the committee and I urge you to support it. Let any problems be hashed out in a committee of conference.

Sen. TROWBRIDGE: Senator Lamontagne, you know that one of my constituents has been a leading advocate of HB 20. I did not have a chance to see this amendment until about fifteen minutes ago. As one of the sponsors of this bill can you tell me whether this bill satisfies this man who feels that he has gotten the runaround and that his competitors have had unfair advantage over him. Will this help him?

Sen. LAMONTAGNE: It will help him somewhat.

Sen. MCLAUGHLIN: It takes care of what he wants to do in his operations.

Sen. DOWNING: Senator McLaughlin, my concern is that it's going to open up the boarder junkers. How does your amendment affect that?

Sen. MCLAUGHLIN: They would not be able to do that.

Sen. Ferdinando moved the previous question.

Adopted.

Amendment Adopted.      Ordered to third reading.

Sen. Downing moved that the rules of the Senate be so far suspended as to allow for the introduction of a committee report without previous advertisement in the Journal.

Adopted.

**HB 293**

relative to exemptions available for the New Hampshire



Property Tax. Ought to pass with amendment. Sen. Downing for the Committee.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

to provide partial exemption from real estate taxes for persons sixty-five years of age or older, and complete exemption for real estate taxes for persons seventy years of age or older, under certain circumstances.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Persons Sixty-five Through Sixty-nine. Amend RSA 72:39 (supp) as amended, by striking out the word "seventy" wherever it appears therein and inserting the words (sixty-five), so that said section as amended shall read as follows:

72:39 Exemption for Persons over Sixty-five Years. Residential real estate, as defined by RSA 72:29 II, to the assessed value of five thousand dollars shall be exempt from taxation provided, however, if property within the town or city is not assessed at its full and true market value, the amount of valuation exempted will be that proportion of five thousand dollars that the level of assessments as found by the tax commission bears to one hundred percent, if it is:

I. Owned by a resident sixty-five years of age or over; or

II. Owned by a resident jointly or in common with his spouse, either of whom is sixty-five years of age or over; or

III. Owned by a resident sixty-five years of age or over jointly or in common with a person not his spouse; or

IV. Owned by a resident who, or whose spouse, is sixty-five years of age or over and who has been living with his spouse as man and wife for at least five years.

2 Persons Seventy Years and Older. Amend RSA 72 by inserting after section 39, the following new section:

72:39-a Tax Exemption for Persons over Seventy Years.

Residential real estate as defined by RSA 72:29 II, shall be exempt from taxation, if it is:

I. Owned by a resident seventy years of age or over; or

II. Owned by a resident jointly or in common with his spouse, either of whom is seventy years of age or over; or

III. Owned by a resident seventy years of age or over jointly or in common with a person not his spouse; or

IV. Owned by a resident who, or whose spouse, is seventy years of age or over and who has been living with his spouse as man and wife for at least five years.

3 Condition; Social Security Retirement Pension or Veterans Benefits. Amend RSA 72:40 by striking out said section and inserting in place thereof the following:

72:40 Conditions. No exemption shall be allowed under RSA 72:39 or 39-a unless the person applying therefor:

I. Has resided in this state for at least five years preceding April first in the year in which the exemption is claimed;

II. Had in the calendar year preceding said April first a net income from all sources of less than four thousand dollars, or if married, a combined net income of less than five thousand dollars, such net income to be determined by deducting from all monies received from any source whatsoever the amount of any of the following or the sum thereof:

(a) Life insurance paid on the death of an insured;

(b) Expenses and costs incurred in the course of conducting a business enterprise;

(c) Proceeds from the sale of assets;

(d) Social security retirement pension or veterans benefits received.

III. Owns assets of any kind, tangible, or intangible, less bona fide encumbrances, not in excess of twenty-five thousand dollars.

4 Effective Date. This act shall take effect April 1, 1973, and shall apply with respect to the tax year commencing on that date.

Sen. DOWNING: Mr. President, HB 293 as amended reads exactly as SB 2 does as you have it. This basically lowered the \$5,000 exemption from 70 years of age to 65 and eliminated taxes at age seventy.

Sen. JOHNSON: Senator Downing, at the hearing I handed you an amendment. Did you consider the amendment?

Sen. DOWNING: We considered the amendment sir and didn't adopt it.

Sen. LAMONTAGNE: Senator Downing, do you think that it's possible to add another amendment to that bill?

Sen. DOWNING: Anything is possible, but at this point I wouldn't consider it advisable.

Amendment Adopted.      Ordered to third reading.

#### ENROLLED BILLS AMENDMENT

HB 883, relative to the powers of county commissioners.

#### AMENDMENT

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Powers of County Commissioners. Amend RSA 28 by inserting after section 1-a the following new section:

28:1-b Majority Vote Required. All rights, authority and powers of the

Amendment Adopted.

Sen. Foley moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by captions only and that bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and that when we adjourn we adjourn until Friday, June 22, 1973 at 4:45 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 293, to provide partial exemption from real estate taxes for persons sixty-five years of age or older, and complete exemption from real estate taxes for persons seventy years of age or older, under certain circumstances.

HB 20, relative to the carrying of property for hire by motor vehicles and establishing a classified position of transportation analysis in public utilities commission.

Adopted.

Sen. Poulsen moved the Senate adjourn at 4:45 p.m.

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### *Friday, 22Jun73*

The Senate met at 4:45 p.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

We thank You, Most Heavenly Father, for giving us this day, as we work together, trying to do our best for mankind.

Let us hear thy voice, above the clamour, tumult and confusion of our many voices.

Hear us and help us, and send Thy Spirit among us, as we finish up our week's work in hopeful wisdom and peace. Amen.

Pledge of Allegiance was led by Reporters Rod Paul and Warren Hastings.

### COMMITTEE OF CONFERENCE REPORT

HB 888, an act making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1974, and June 30, 1975.

## COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred House Bill No. 888, an act making appropriations for the expenses of certain departments of the state for the fiscal year ending June 30, 1974 and June 30, 1975, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the House concur in the adoption of the Senate amendment, and

That the House and Senate each adopt the following amendment to the bill:

Amend section 2, III, (b) of the bill by striking out all after the line Equipment 6,000 2,000 and inserting in place thereof the following:

## Other expenditures

Consultants	60,000	20,000
Benefits	17,306	21,755

Total

\$306,050

\$312,274

Estimated source of funds for post-audit:

Audit revenue

\$9,000

\$7,000

General

297,050

305,274

Total

\$306,050

\$312,274

Further amend section 2, III of the bill by striking out the lines "Total \$440,963 \$508,198, Estimated source of funds for legislative budget assistant: Audit revenue \$9,000 \$7,000, General 431,963 501,198, Total \$440,963 \$508,198" and inserting in place thereof the following:

Total

\$460,963

\$488,198



## Estimated source of funds for legislative

## budget assistant:

## Audit revenue

## General

\$7,000  
481,198

\$9,000  
451,963

## Total

\$488,198

Further amend section 2 of the bill by striking out the lines "Total for legislative branch \$1,063,978\* \$1,994,312\*, Estimated source of funds for legislative budget assistant: Other \$9,000 \$7,000, General 1,054,978 1,987,312, Total \$1,063,978 \$1,994,312" and inserting in place thereof the following:

## Total for legislative branch

\$1,974,312\*

## Estimated source of funds for legislative

## branch:

## Other

## General

\$7,000  
1,967,312

\$9,000  
1,074,978

## Total

\$1,974,312

Amend section 3, III of the bill by striking out the lines "Total \$3,282,447 \$3,730,523, Estimated source of funds for the governor's commission on crime and delinquency: Federal \$3,044,400c \$3,507,800c, General 238,047 222,723, Total \$3,282,447 \$3,730,523" and inserting in place thereof the following:

## Total

\$3,730,523\*\*

Estimated source of funds for governor's  
commission on crime and delinquency:

Federal	\$3,044,400c	\$3,507,800c
General	238,047	222,723
	<hr/>	<hr/>
Total	\$3,282,447	\$3,730,523
	<hr/>	<hr/>

Further amend section 3, III of the bill by inserting after the existing footnote the following new footnote:

\*\*No part of this appropriation shall be expended to establish or operate trace, a state criminal justice data and information center.

Amend section 4, V of the bill by striking out the same and inserting in place thereof the following:

V Indigent defendants:

Grants	\$215,000	\$215,000
	<hr/>	<hr/>

Total

	\$215,000	\$215,000
	<hr/>	<hr/>

Estimated source of funds for indigent  
defendants:

General	\$215,000	\$215,000
	<hr/>	<hr/>

Amend section 4, VI, (b), (1) of the bill by striking out the line "Permanent \$349,284 \$353,334" and inserting in place thereof the following:

Permanent	\$334,888	\$338,550
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Further amend section 4, VI, (b), (1) of the bill by striking out all after the line Make ready legislative areas — 4,000 and inserting in place thereof the following:

Benefits	30,589		30,920	
Total		\$568,372		\$580,770
Estimated source of funds for general buildings:				
General		\$568,372		\$580,770
Amend section 4, VI, (b) of the bill by striking out the lines "Total \$991,987 \$1,017,769, Estimated source of funds for buildings and grounds: Highway \$159,579 \$164,552, General 832,408 853,217, Total \$991,987 \$1,017,769" and inserting in place thereof the following:				
Total		\$976,289		\$1,001,655
Estimated source of funds for buildings and grounds:				
Highway		\$159,579		\$164,552
General		816,710		837,103
Total		\$976,289		\$1,001,655

Amend section 4, VI of the bill by striking out the lines "Total \$1,863,743 \$1,763,195, Estimated source of funds for administration and control programs: Highway \$159,579 \$164,552, General 1,704,164 1,598,643, Total \$1,863,743 \$1,763,195" and inserting in place thereof the following:

Total			
	\$1,848,045		\$1,747,081
Estimated source of funds for administration and control programs:			
Highway	\$159,579		\$164,552
General	1,688,466		1,582,529
Total	\$1,848,045		\$1,747,081

Amend section 4 of the bill by striking out the lines "Total for administration and control \$2,799,166 \$2,717,250, Estimated source of funds for administration and control: Highway \$159,579 \$164,552, Other 244,578 226,529, General 2,395,009 2,326,169, Total \$2,799,166 \$2,717,250" and inserting in place thereof the following:

Total for administration and control			\$2,651,136
Estimated source of funds for administration and control:			
Highway	\$159,579		\$164,552
Other	244,578		226,529
General	2,359,311		2,260,055
Total	\$2,763,468		\$2,651,136

Amend section 5, II of the bill by striking out the lines "Permanent \$278,872 \$424,477, Current expenses 833,919 997,170, Equipment 15,137 12,305 and inserting in place thereof the following:

Permanent	\$278,872	\$378,141
Current expenses	833,919	947,170
Equipment	15,137	10,450

Further amend section 5, II of the bill by striking out all after the line Attorney general opinion undate 3,000 3,000 and inserting in place thereof the following:

Benefits	27,894	37,925
Total	<u>\$1,195,091**</u>	<u>\$1,424,546**</u>

Estimated source of funds for data processing operations:  
General

General	<u>\$1,195,091</u>	<u>\$1,424,546</u>
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Amend section 5, III of the bill by striking out the lines "Permanent \$216,996 \$278,700" and inserting in place thereof the following:

Permanent	\$216,996	\$256,168
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Further amend section 5, III of the bill by striking out all after the line Other expenditures: and inserting in place thereof the following:

Benefits	20,160	24,510
Total	<u>\$294,156</u>	<u>\$346,283</u>



## Estimated source of funds for pro-

gramming:

General

\$294,156\$46,233

Amend section 5, IV of the bill by striking out the line "Permanent \$311,115 \$343,303" and inserting in place thereof the following:

Permanent

\$311,115\$331,545

Further amend section 5, IV of the bill by striking out all after the line "Other expenditures: and inserting in place thereof the following:

Benefits

24,67926,322

Total

\$391,362\$417,733

## Estimated source of funds for systems

analysis:

General

\$391,362\$417,733

Further amend section 5 of the bill by striking out the lines "Total for centralized automated data processing: \$2,149,128\* \$2,617,986\*, Estimated source of funds for centralized automated data processing: Transfers from state agencies \$1,346,545 \$1,650,903, Gen-

eral 802,583 967,083, Total \$2,149,128 \$2,617,986" and inserting in place thereof the following:

802,583 967,083  
\$2,149,128 \$2,617,986

Total for centralized automated data

processing

\$2,149,128\*\$2,474,979\*

Estimated source of funds for centralized

automated data processing:

Transfers from state agencies

General

\$1,346,545  
802,588

\$1,650,903  
824,076

Total

\$2,149,128

\$2,474,979

Amend section 6 of the bill by striking out the line "Current expenses 31,965 31,965" and inserting in place thereof the following:

Current expenses

26,965

26,965

Further amend section 6 of the bill by striking out the lines "Total for personnel department \$255,084 \$253,126, Estimated source of funds for personnel department: Transfers from grant-in-aid agencies \$30,900\* \$30,800\*, Revenue from municipal examinations 1,000\*\* 1,000\*\*, General 223,184 221,326, Total \$255,084 \$253,126" and inserting in place thereof the following:

Total for personnel department

\$250,084

\$248,126

Estimated source of funds for personnel department:

Transfers from grant-in-aid agencies

Revenue from municipal examinations

General

\$30,900\*  
1,000\*\*  
218,184

\$30,800\*  
1,000\*\*  
216,326

Total

\$250,084

\$248,126

Amend section 8, I, of the bill by striking out the line "Permanent 54,406 55,097" and inserting in place thereof the following:

Permanent

71,389

72,924

Further amend section 8, I of the bill by striking out all after the line Other expenditures: and inserting in place thereof the following:

Benefits	9,127	9,272
Total		<u>\$151,041</u>
Estimated source of funds for central library services:		
General	<u>\$149,775</u>	<u>\$151,041</u>
Amend section 8, II, (b) of the bill by striking out the line "Permanent \$338,872 \$342,956" and inserting in place thereof the following:		
Permanent	\$322,538	\$326,016

Further amend section 8, II, (b) of the bill by striking out all after the line Other expenditures: and inserting in place thereof the following:

Benefits	29,127	29,449
Total		<u>\$499,992</u>
Estimated source of funds for specific group services:		
Revenue from Maine and Vermont	<u>\$17,500</u>	<u>\$17,500</u>
General	<u>482,128</u>	<u>482,492</u>
Total		<u>\$499,992</u>

Amend section 8 of the bill by striking out all after paragraph II, (b) and inserting in place thereof the following:

Total	\$505,962	\$506,326
Estimated source of funds for community library services:		
Other	\$17,500	\$17,500
General	488,462	488,826
Total	\$505,962	\$506,326
Total for state library	\$655,737*	\$657,367*
Estimated source of funds for state library:		
Other	\$17,500	\$17,500
General	638,237	639,867
Total	\$655,737	\$657,367

\*In the event any federal funds become available for program funded by this appropriation they are hereby appropriated and the general fund appropriation shall be reduced by the amount of said federal funds.

Amend section 9, II, (a) by striking out the line "Permanent 255,912 264,546" and inserting in place thereof the following:

Permanent	241,869	249,755
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Further amend section 9, II, (a) by striking out the line "Benefits 28,716 29,568" and inserting in place thereof the following:

Benefits	27,700	28,597
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Further amend section 9, II, (a) by striking out the lines "Total \$475,536 \$475,205, Estimated source of funds for business profits

tax: General \$475,536 \$475,205 and inserting in place thereof the following:

Total	<u>\$460,477</u>	<u>\$459,443</u>
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Estimated source of funds for business

profits tax:		
General	<u>\$460,477</u>	<u>\$459,443</u>

Further amend section 9 by striking out all in said section after II, (d) and inserting in place thereof the following:

Total	<u>\$813,408</u>	<u>\$735,509</u>
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Estimated source of funds for revenue

collections:		
Other	<u>\$134,139</u>	<u>\$135,184</u>
General	<u>679,269</u>	<u>600,325</u>
Total	<u>\$813,408</u>	<u>\$735,509</u>

Total for tax commission	<u>\$1,846,708*</u>	<u>\$1,763,757*</u>
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Estimated source of funds for tax

commission:		
Other	<u>\$140,139</u>	<u>\$141,184</u>
General	<u>1,706,569</u>	<u>1,622,573</u>
Total	<u>\$1,846,708</u>	<u>\$1,763,757</u>



\*Cost records shall be maintained of all actual costs applicable to services performed for local communities by the tax commission relative to audits and appraisals. Said actual costs shall be billed to local communities on a monthly basis prior to the tenth day of the succeeding month.

Amend section 11, IV, (b) of the bill by striking out the line "Personal services: Permanent \$10,771\* \$10,771\*" and inserting in place thereof the following:

Personal services:		
Permanent	\$8,771*	\$8,771*
Further amend section 11, IV, (b) of the bill by striking out all after the line Indexing of judicial council reports 5,667 — and inserting in place thereof the following:		
Benefits	789	789
Total	\$62,060**	\$33,976**
Estimated source of funds for administrative committees — district and municipal courts:		
Transfer from crime commission	\$45,000	\$20,000
General	17,060	13,976
Total	\$62,060	\$33,976

\*Within this appropriation, \$5,000 shall be for the salary of the executive secretary.

\*\*Within this appropriation the sum of \$6,000 for fiscal year 1974 and the sum of \$2,666 for fiscal year 1975 is provided for the express purpose of satisfying federal matching requirements for LEAA grants allocated through the Governor's Commission on Crime and Delinquency.

Further amend section 11, IV of the bill by striking out the lines "Total \$79,025 \$51,191, Estimated source of funds for procedural development and administration: Other \$45,000 \$20,000, General 34,025 31,191, Total \$79,025 \$51,191" and inserting in place thereof the following:

Total	<u>\$76,845</u>	<u>\$49,011</u>
Estimated source of funds for procedural development and administration:		
Other	\$45,000	\$20,000
General	<u>31,845</u>	<u>29,011</u>
Total	<u>\$76,845</u>	<u>\$49,011</u>

Further amend section 11 of the bill by striking out the lines "Total \$1,339,172 \$1,304,280, Estimated source of funds for judicial branch: Other \$315,920 \$290,922, General 1,023,252 1,013,358, Total \$1,339,172 \$1,304,280" and inserting in place thereof the following:

Total	<u>\$1,336,992</u>	<u>\$1,302,100</u>
Estimated source of funds for judicial branch:		
Other	\$315,920	\$290,922
General	<u>1,021,072</u>	<u>1,011,178</u>
Total	<u>\$1,336,992</u>	<u>\$1,302,100</u>

Amend section 13, I of the bill by striking out the line "Promotion 5,000a" and inserting in place thereof the following:		
Promotion	500a	500a
Further amend section 13, I of the bill by striking out all after the line Benefits 6,415 6,480 and inserting in place thereof the following:		
Total	\$238,995	\$236,379
Estimated source of funds for administration and support:		
Transfer from racing revenue	\$150,000	\$150,000
General	88,995	86,379
Total	\$238,995	\$236,379
Amend section 13, VI, (b) of the bill by striking out the same and inserting in place thereof the following:		
(b) Pesticide control:		
Personal services:		
Permanent	\$14,379	\$15,063
Current expenses	1,500	1,500
Travel:		
In state	1,085	1,085
Out of state	200	200
Equipment	....	3,100
Other expenditures:		
Expense of pesticide control law	2,500a	2,500a
Benefits	1,294	1,356
Total	\$20,958	\$24,804

Estimated source of funds for pesticide

control:

General

\$20,958

\$24,804

Amend section 13, VI of the bill by striking out the lines "Total \$68,780 \$70,158, Estimated source of funds for agricultural regulation programs: General \$68,780 \$70,158" and inserting in place thereof the following:

Total

\$57,500

\$61,346

Estimated source of funds for agricultural regulation programs:

General

\$57,500

\$61,346

Amend section 13 of the bill by striking out the lines "Total for agriculture \$947,879\* \$910,635\*, Estimated source of funds for agriculture: Federal \$50,671 \$51,679, Other 150,000 150,000, General 747,208 708,956, Total \$947,879 \$910,635" and inserting in place thereof the following:

Total for agriculture

\$932,099\*

\$897,323\*

Estimated source of funds for agriculture:

Federal

\$50,671

\$51,679

Other

150,000

150,000

General

731,428

695,644

Total

\$932,099

\$897,323

Amend section 14, I, (a) of the bill by striking out all after the line Summer intern program 3,400 3,400 and inserting in place thereof the following:

Mobile prosecutorial strike force	34,000	34,000
B & M railroad litigation fund	10,000f	....
N. H. — maine boundary litigation	15,000f	....
United state v. maine, new hampshire, et al.	1,765f	....
Special counsel — CAB hearing and related expenses	2,050f	....
Law enforcement manual	1,600f	....
Total	<u>\$290,368</u>	<u>\$262,892</u>
Estimated source of funds for administrative:		
Transfer from crime commission	\$48,000	\$48,000
Transfer from welfare	16,000	16,000
General	<u>226,368*</u>	<u>198,892*</u>
Total	<u>\$290,368</u>	<u>\$262,892</u>

\*Within this appropriation the sum of \$6,400 for fiscal year 1974 and the sum of \$6,400 for fiscal year 1975 is provided for the express purpose of satisfying matching requirements for LEAA grants allocated through the Governor's Commission on Crime and Delinquency.



Further amend section 14, I of the bill by striking out the lines "Total \$332,892 \$291,171, Estimated source of funds for legal services to state agencies: Transfer from crime commission \$48,000 \$48,000, Transfer from welfare 16,000 16,000, General 268,892, 227,171, Total \$332,892 \$291,171" and inserting in place thereof the following:

Total	<u>\$318,307</u>	<u>\$291,171</u>
Estimated source of funds for legal services to state agencies:		
Transfer from crime commission	\$48,000	\$48,000
Transfer from welfare	16,000	16,000
General	254,307	227,171
Total	<u>\$318,307</u>	<u>\$291,171</u>

Amend section 14, III of the bill by striking out the line "In state 3,700 3,700" and inserting in place thereof the following:

In state	4,000	4,000
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Further amend section 14, III of the bill by striking out the lines "Total \$199,182 \$200,170, Estimated source of funds for division of criminal justice: General \$199,182 \$200,170" and inserting in place thereof the following:

Total	<u>\$199,482</u>	<u>\$200,470</u>
Estimated source of funds for division of criminal justice:		
General	\$199,482	\$200,470

Further amend section 14 of the bill by striking out the lines "Total for attorney general \$783,074 \$729,141, Estimated source of funds for attorney general: Highway \$114,426 \$97,738, Other 64,000 64,000, General 604,648 567,403, Total \$783,074 \$729,141" and inserting in place thereof the following:

Total for attorney general	\$768,789		\$729,441
Estimated source of funds for attorney general:			
Highway	\$114,426		\$97,738
Other	64,000		64,000
General	590,363		567,703
Total	\$768,789		\$729,441

Amend section 25, IV of the bill by striking out the same and inserting in place thereof the following:

IV N. H. apprenticeship council:

Personal services:			
Permanent	\$14,042		\$14,730
Current expenses	1,500		1,500
Travel:			
In state	1,200		1,260
Equipment	750		....
Other expenditures:			
Benefits	1,264		1,326
Council expenses	200		210
Total	\$18,956		\$19,026

## Estimated source of funds for N. H.

## apprenticeship council:

## General

\$18,956	\$19,026
=====	=====

Further amend section 25 of the bill by striking out the lines "Total for labor department \$376,800b \$385,002b, Estimated source of funds for labor department: Federal \$16,710 \$17,405, General 360,110 367,597, Total \$376,820 \$385,002" and inserting in place thereof the following:

Total for department of labor	\$376,820b	\$375,793b
	=====	=====

## Estimated source of funds for department

## of labor:

## Federal

## General

\$16,710	\$17,405
360,110	358,388
=====	=====

Total	\$376,820	\$375,793
	=====	=====

Amend section 26, I of the bill by striking out the line "Other 630,000 630,000" and inserting in place thereof the following:

Other	580,000	580,000
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Further amend section 26, I of the bill by striking out all after the line Benefits 323,426 330,142 and inserting in place thereof the following:

Total	\$5,808,347	\$5,882,281
	=====	=====

## Estimated source of funds for revenue

## collection:

Sweepstakes sales

General

Total

\$100,000

5,708,347

\$5,808,347

\$100,000

5,782,281

\$5,882,281

Further amend section 26 of the bill by striking out the lines "Total for liquor commission \$6,194,299\* \$6,270,164\*, Estimated source of funds for liquor commission: Other \$100,000, General 6,094,299 6,170,164, Total \$6,194,299 \$6,270,164" and inserting in place thereof the following:

Total for liquor commission

\$6,144,299\*

\$6,220,164\*

## Estimated source of funds for liquor

## commission:

Other

General

Total

\$100,000

6,044,299

\$6,144,299

\$100,000

6,120,164

\$6,220,164

Amend section 27 of the bill by striking out the same and inserting in place thereof the following:

## FISCAL 1974

## FISCAL 1975

## 27 Board of probation:

Salary of director

Personal services:

Permanent

Other

Current expenses

\$14,732

\$14,792

462,587

484,645

50,047

51,846

85,000

85,000

Travel:			
In state	25,000	26,000	
Out of state	1,200	1,200	
Equipment	4,576	3,434	
Other expenditures:			
Benefits	47,463	49,615	
Total for board of probation	<u>\$690,605*</u>	<u>\$716,532*</u>	
Estimated source of funds for board of probation:			
Transfer from crime commission	\$37,984	\$39,130	
General	652,621	677,402	
Total	<u>\$690,605</u>	<u>\$716,532</u>	

\*Within this appropriation the sum of \$5,063 for fiscal year 1974 and the sum of \$5,216 for fiscal year 1975 is provided for the express purpose of satisfying federal matching requirements for LEAA grants allocated through the Governor's Commission on Crime and Delinquency.

Amend section 30, III, (a), (2) of the bill by striking out the line "Current expenses 400,000\* 400,000\*" and inserting in place thereof the following:

Current expenses	400,000	400,000
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Further amend section 30, III, (a), (2) of the bill by striking out the existing footnote at the end of said paragraph.

Amend section 30, V, (c) of the bill by striking out the same and inserting in place thereof the following:



(c) Traffic bureau:		
Salary of director	\$18,105	\$18,105
Other personal services:		
Permanent	1,733,320	1,776,425
Permanent	....	61,848+
Other	2,000	2,500
Current expenses	178,894	199,354
Travel:		
In state	365,557	400,866
In state	....	31,185+
Out of state	1,500	1,500
Equipment	329,848	293,270
Other expenditures:		
Ammunitions	4,000	4,000
Auxiliary police	16,500	16,500
Training dogs	2,500	2,500
NCIC	5,000a	5,000a
Video tape	500	500
In-service training	8,500	8,500
Basic training for police — LEAA	195,000a	197,000a
Police emergency telephone system		
— LEAA	2,000a	2,000a
Benefits	157,677	161,588
Benefits	....	5,566+
Mobile command post — LEAA	....	210,000a
Riot control equipment — LEAA	22,000a	....
Total	\$3,042,901*	\$3,398,207*

## Estimated source of funds for traffic

bureau:	
Transfer from crime commission	\$164,250
Highway	2,483,889
Local	29,250
Turnpike funds:	
Central	188,430
Blue star memorial	94,969
Spaulding	57,113
General	25,000
Total	<u>\$3,042,901</u>
	<u>\$3,398,207</u>

\*Within this appropriation the sum of \$25,500 for fiscal year 1974 and the sum of \$72,700 for fiscal year 1975 is provided for the express purpose of satisfying federal matching requirements for LEAA grants allocated through the Governor's Commission on Crime and Delinquency. Any revenue received resulting from the sale of surplus property shall be deposited to the highway fund.

+These appropriations shall take effect only as follows: 1. Upon a finding and certification by the governor and council that the so-called ASAP contract between the Department of Transportation and the state department of health and welfare has been or will be terminated or will be no longer one hundred percent federally funded; and 2. On the date of which either of the said above eventualities become effective, but in no event earlier than January 1, 1974.

On the effective date of these appropriations only the eight troopers, two corporals and one sergeant employed by said ASAP program shall be transferred to and they shall become permanent classified employees of the department of safety, traffic division, together with all equipment and supplies of said program.

These appropriations shall not be transferred or used for any other purpose and shall be reduced by the amount of any federal funds which are or become available and are received for the purposes thereof.

Further amend section 30, V of the bill by striking out the lines "Total \$4,527,084 \$4,962,241, Estimated source of funds for division of state police: Federal \$205,000 \$265,882, Transfer from crime commission \$264,869 \$469,263 Highway \$2,937,479 \$3,086,189, Local 60,250 82,726, Turnpike 404,606 396,148, General 654,880 662,033, Total \$4,527,084 \$4,962,241" and inserting in place thereof the following:

Total	\$4,090,042	\$4,494,377
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Estimated source of funds for division of

state police:		
Transfer from crime commission	\$264,869	\$469,263
Highway	2,808,731	3,008,490
Local	29,250	29,550
Turnpike	340,512	335,676
General	646,680	651,398
Total	\$4,090,042	\$4,494,377

Amend section 30 of the bill by striking out the lines "Total for department of safety \$8,617,401 \$9,102,747, Estimated source of funds for department of safety: Federal \$257,300 \$303,220, Highway 6,014,133 6,163,315, Other 1,266,714 1,543,530, General 1,079,254 1,092,682, Total \$8,617,401 \$9,102,747" and inserting in place thereof the following:

Total for department of safety	\$8,180,359	\$8,634,883
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Estimated source of funds for department

of safety:

Federal	\$52,300	\$37,338
Highway	5,885,385	6,085,616
Other	1,171,620	1,429,882
General	1,071,054	1,082,047
Total	<u>\$8,180,359</u>	<u>\$8,634,883</u>

Amend section 32, III of the bill by striking out the lines "Permanent \$139,575 \$156,874, Other 213,767 218,036" and inserting in place thereof the following:

Permanent	\$148,981	\$195,132
Other	204,361	179,778

Further amend section 32, III of the bill by striking out the lines "Transfer from crime commission 121,185 121,819, General 204,283 225,415" and inserting in place thereof the following:

Transfer from crime commission	111,779	83,561
General	<u>213,689</u>	<u>263,673</u>

Further amend section 32 of the bill by striking out the lines "Other \$261,717 \$255,147, General 1,386,401 1,435,565" and inserting in place thereof the following:

Other	\$252,311	\$216,889
General	<u>1,395,807</u>	<u>1,473,823</u>

Amend section 33, II, (b) of the bill by striking out the same and inserting in place thereof the following:

(b) Management and research:

Personal services:		
Permanent	\$190,575	\$192,048
Other	865	865
Current expenses	41,885	40,235
Travel:		
In state	800	800
Out of state	840	840
Equipment	13,000	9,000
Other expenditures:		
UNH & dartmouth projects	15,000	15,000
Cooperative waterfowl banding	2,060	2,060
Forest and farm clearing project	1,000	1,000
Library service	1,500	1,500
Deeryard habitat analysis	5,000	5,000
Lake francis rental	2,000	2,000
Benefits	17,230	17,362
Land acquisition	50,000	50,000
Total	<u>\$341,755</u>	<u>\$337,710</u>
Estimated source of funds for management and research:		
Fish and game	<u>\$341,755</u>	<u>\$337,710</u>



Further amend section 33, II of the bill by striking out the following lines "Total \$344,431 \$342,597, Estimated source of funds for resources: Fish and game \$344,431 \$342,597" and inserting in place thereof the following:

Total	\$373,869	\$372,784
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Estimated source of funds for management

and research:  
Fish and game

\$373,869	\$372,784
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Amend section 33, III, (a) of the bill by striking out the line "Equipment 55,000 120,000" and inserting in place thereof the following:

Equipment	55,000	66,000
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Further amend section 33, III, (a) of the bill by striking out the lines "Total \$730,611 \$815,000, Estimated source of funds for districts 1-6: Marine \$67,535 \$64,378, Fish and game 663,076 750,622, Total \$730,611 \$815,000" and inserting in place thereof the following:

Total	\$730,611	\$761,000
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Estimated source of funds for districts 1-6:

Marine  
Fish and game

\$67,535	\$64,378
663,076	696,622

Total	\$730,611	\$761,000
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Amend section 33, III of the bill by striking out the lines "Total \$809,322 \$895,020, Estimated source of funds for law enforcement: Marine \$67,535 \$64,378, Fish and game 741,787 830,642, Total \$809,322 \$895,020" and inserting in place thereof the following:

Total	<u>\$809,322</u>	<u>\$841,020</u>
Estimated source of funds for law enforcement:		
Marine	\$67,535	\$64,378
Fish and game	<u>741,787</u>	<u>776,642</u>
Total	<u>\$809,322</u>	<u>\$841,202</u>

Amend section 33, IV, (e) of the bill by striking out the same and inserting in place thereof the following:

(e) Business management:

Personal services:

Permanent	\$144,980	\$146,988
Other	1,224	1,224
Current expenses	59,901	60,500
Equipment	1,515	500
Other expenditures:		
Computer time	1,600d	1,600d
Benefits	13,157	13,339
Overhead	16,800e	17,640e
Accrued liability	9,341a	9,341a

Total	<u>\$248,518</u>	<u>\$251,132</u>
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Estimated source of funds for business  
management:  
Fish and game

\$248,518

\$251,132

Amend section 33, IV of the bill by striking out the lines "Total \$563,891 \$587,383, Estimated source of funds for administration and support: Fish and game \$563,891 \$587,383" and inserting in place thereof the following:

Total

\$579,857

\$603,181

Estimated source of funds for administra-  
tion and support:  
Fish and game

\$579,857

\$603,181

Amend section 33 of the bill by striking out the lines "Total for fish and game department \$2,691,256\* \$2,808,464\*, Estimated source of funds for fish and game department: Federal \$437,770 \$448,295, Fish and game 2,253,486 2,360,169, Total \$2,691,256 \$2,808,464" and inserting in place thereof the following:

Total for fish and game department

\$2,736,660\*

\$2,800,449\*

Estimated source of funds for fish and  
game department:  
Federal  
Fish and game

\$459,848

\$470,936

2,276,812

2,329,513

Total

\$2,736,660

\$2,800,449

Amend section 35, IV of the bill by striking out the line "Printing, advertising, branch offices 237,000\*" 237,000\*" and inserting in place thereof the following:

Printing, advertising, branch offices	220,000*	220,000*
Further amend section 35, IV by striking out the lines "Total \$382,987 \$380,680, Estimated source of funds for economic develop-		
ment-travel promotion: General \$382,987 \$380,680" and inserting in place thereof the following:		

Total	\$365,987	\$363,680
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Estimated source of funds for economic development-travel promotion:

General	\$365,987	\$363,680
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Amend section 35, V of the bill by striking out the line "Geology — —".

Amend section 35, VI, (b) of the bill by striking out the existing footnote and inserting in place thereof the following:

\*Other provisions of law notwithstanding funds hereby appropriated for payment of salaries for permanent personnel assigned as forest fire lookouts, shall no sooner than the end of a pay period during which such funds have not been expended for such purpose, be transferred to a separate aircraft and fire control methods appropriation account to be established by the comptroller. Any funds so transferred may not be expended for any other purpose and shall not lapse until June 30, 1975.

Amend section 35, VII, (b) by striking out all after the line Other expenditures and inserting in place thereof the following:

Major repairs	50,000*	53,000*
Insurance (liability)	35,000	35,000
Snow making and snow grooming	50,000	50,000
Benefits	72,203	72,359
Total	\$1,271,317	\$1,244,997

\*Major repair funds appropriation may be charged for temporary personnel and travel expenditures incident to major repair projects.

Amend section 35, VII, (c) by striking out all after the line Other expenditures: and inserting in place thereof the following:

Major repairs	\$50,000*	\$50,000*
Benefits	58,149	58,224
Snowmobile maintenance program	20,000	20,000
Total	\$921,350	\$914,397

\*Major repair funds appropriated may be charged for temporary personnel and travel expenditures incident to major repair projects.

Further amend section 35, VII by striking out the lines "Total \$3,367,474 \$3,312,943, Estimated source of funds for parks and recreation: Hampton parking meters \$50,000, Recreation 2,470,000 2,520,000, General 847,474 742,943, Total \$3,367,474 \$3,312,943" and inserting in place thereof the following:

Total	\$3,354,474	\$3,295,943
Estimated source of funds for parks and recreation:		
Hampton parking meters	\$50,000	\$50,000
Recreation	2,470,000	2,520,000
General	834,474	725,943
Total	\$3,354,474	\$3,295,943



Amend section 35 by striking out the lines "Total for resources and economic development \$5,532,146" and inserting in place thereof the following:

funds for resources and economic development: Federal \$161,000	Other 2,570,000	General 2,801,146	Estimated source
Total \$5,532,146	\$5,454,054		

Total for resources and economic development

\$5,502,146

Estimated source of funds for resources and economic development:

\$161,000

2,570,000

2,771,146

Total

\$5,502,146

Amend section 37, I of the bill by striking out the line "Permanent 921,660" and inserting in place thereof the following:

Permanent

921,660

978,137

Further amend section 37, I of the bill by striking out the line "Current expenses 163,875\*" and inserting in place thereof the following:

Current expenses

163,875\*

168,400\*

Further amend section 37, 1 of the bill by striking out all after the line state aid grants 2,323,985\*\* 3,597,550\*\* and inserting in place thereof the following:

Benefits	<u>92,049</u>	<u>97,164</u>
<b>Total</b>	<u><u>\$3,678,176</u></u>	<u><u>\$5,018,218</u></u>
Estimated source of funds for office of commission:		
Federal	\$151,100+	\$151,100+
Real estate transfer tax	300,000	300,000
General	<u>3,227,076</u>	<u>4,567,118</u>
<b>Total</b>	<u><u>\$3,678,176</u></u>	<u><u>\$5,018,218</u></u>

\*This appropriation includes \$500 for insurance. This sum is to be available to cover the cost of premiums required for complete marine insurance to meet the usual hazards which develop in off shore estuarine water quality control work.

\*\*The sum hereby appropriated shall not lapse, but shall be added to the appropriation of the commission in any succeeding fiscal year, to be used for the purpose herein contained.

†The Commission is hereby authorized to accept and expend, with Governor and Council approval, any additional Federal funds which may be made available in the interest of the state's water pollution control program under the provisions of P.L. 92-500 or amendments thereto.

Further amend section 37 of the bill by striking out the lines "Total for water pollution commission \$4,215,084 \$5,357,801, Estimated source of funds for water pollution commission: Federal \$195,100 \$151,100, Other 541,932 552,900, General 3,478,052 4,653,801, Total \$4,215,084 \$5,357,801" and inserting in place thereof the following:

Total for water pollution commission	<u><u>\$4,215,084</u></u>	<u><u>\$5,331,101</u></u>
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Estimated source of funds for water  
pollution commission:

Federal	\$195,100	\$151,100
Other	541,932	552,900
General	3,478,052	4,627,101
Total	\$4,215,084	\$5,331,101

Amend section 41, III, (a) of the bill by striking out the line "Total \$33,141,400 \$32,964,250" and inserting in place thereof the following:

Total	\$33,141,400**	\$32,964,250**
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Further amend section 41, III, (a) of the bill by inserting at the end of the paragraph the following:

\*\*The sums hereby appropriated shall be expended as may be provided in the governing federal aid highway acts. Matching ratios shall be established on the basis of 62.38 in the ABCD categories and 86.14 for the interstate category. Any new and/or special categories which may be included in the governing federal aid highway acts shall be matched as set forth in the ratios specified therein; provided, however, that in no instance shall the total appropriations exceed thirty-three million, one hundred forty-one thousand four hundred dollars for fiscal 1974 and thirty-two million nine hundred sixty-four thousand two hundred and fifty dollars for fiscal 1975.

Amend section 41, VI of the bill by striking out all after the line State aid bridge construction 150,00 290,000 and inserting in place thereof the following:

Town road bridge	\$600,000	\$500,000
State subsidy	4,487,500	4,487,500
Total	\$8,078,900	\$7,941,750

Estimated source of funds for community

assistance:

Highway

\$8,078,900

\$7,941,750

Amend section 41 of the bill by striking out the lines "Total department of public works and highways \$81,817,542 \$82,463,489,

Estimated source of funds for department of public works and highways: Federal \$25,382,400 Highway 55,080,152 55,701,089, Other 1,355,000 1,380,000, Total \$81,817,542 \$82,463,489" and inserting in place thereof the following:

Total for department of public works and highways

\$81,817,542

\$82,363,489

Estimated source of funds for department of public works and highways:

Federal

\$25,382,400

\$25,382,400

Highway

55,080,142

55,601,089

Other

1,355,000

1,380,000

Total

\$81,817,542

\$82,363,489

Amend section 46, IV, (a), (2) by striking out the footnote and inserting in place thereof the following footnote:

\*These funds shall not be expended for any other purpose, shall be non-lapsing in the first year of the biennium, and if sufficient funds are not available for both years of the biennium for full implementation, these funds shall be prorated in the event federal funds are awarded for the staffing of a comprehensive mental health center, that portion of the state appropriation allocated and not distributed for such comprehensive mental health center staffing will revert to the general fund.

Amend section 46, IV, (a), (4) by striking out the lines "Payments for family care homes 50,000\* 50,000\*, Total \$91,122 \$88,839,

Estimated source of funds for bureau of family care: General \$91,122 \$88,839" and inserting in place thereof the following:

Payments for family care homes	75,000*	
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Total	\$116,122	\$113,839
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Estimated source of funds for bureau of family care:  
General

	\$116,122	\$113,839
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Amend section 46, IV, (a) by striking out the lines "Total \$2,845,688 \$3,534,318, Estimated source of funds for administration:

Federal \$85,500	\$85,500	\$85,500
General 2,760,188	3,448,818	3,473,818
Total	\$2,845,688	\$3,534,318

Total	\$2,870,688	\$3,559,318
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Estimated source of funds for administration:

Federal	\$85,500	\$85,500
General	2,785,188	3,473,818

Total	\$2,870,688	\$3,559,318
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Amend section 46, IV, (b), (2) by striking out the lines "Permanent \$1,970,918 \$2,011,327" and inserting in place thereof the following:

Permanent	\$1,960,086	\$1,999,987
Amend section 46, IV, (b), (2) by striking out the lines "Benefits 179,183 182,819, Total \$2,230,776 \$2,269,821, Estimated source of funds for professional care and treatment: General \$2,230,776 \$2,269,821" and inserting in place thereof the following:		

Benefits	178,208	181,799
Total	\$2,218,969	\$2,257,461
Estimated source of funds for professional care and treatment:		
General	\$2,218,969	\$2,257,461

Further amend 46, IV, (b) by striking out the lines "Total \$4,168,609 \$4,204,392, Estimated source of funds for laconia state school and training center: Other — maintenance refunds \$10,500 \$10,500, General 4,158,109 4,193,892 Total \$4,168,609 \$4,204,392," and inserting in place thereof the following:

Total	\$4,156,802	\$4,192,082
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Estimated source of funds for laconia state school and training center:			
Other — maintenance refunds	\$10,500		\$10,500
General	4,146,302		4,181,532
	<u>          </u>		<u>          </u>
Total	\$4,156,802		\$4,192,032
	<u>          </u>		<u>          </u>
Amend 46, IV, (c), (l) by striking out the lines "Permanent \$2,246,500+ Other 179,880 181,640" and inserting in place thereof the following:			
Permanent	\$2,346,500+	\$2,653,364+	
Other	79,880	81,640	
Further amend 46, IV, (c), (l) by striking out the lines "Benefits 223,432 255,520, Total \$4,413,365 \$4,831,524, Estimated source of funds for custodian and maintenance: Less maintenance refunds 71,000 72,000, General 4,342,365 4,759,524, Total \$4,413,365 \$4, 831,524" and inserting in place thereof the following:			
	<u>          </u>	<u>          </u>	<u>          </u>
Benefits	223,432	251,352	
	<u>          </u>	<u>          </u>	
Total	\$4,413,365		\$4,781,049
	<u>          </u>		<u>          </u>
Estimated source of funds for custodial and maintenance:			
Less maintenance refunds	\$71,000		\$72,000
General	4,342,365		4,709,049
	<u>          </u>		<u>          </u>
Total	\$4,413,365		\$4,781,049
	<u>          </u>		<u>          </u>

Amend section 46, IV, (c), (2) by striking out the lines "Permanent 5,019,466+" 5,812,626+" and inserting in place thereof the following:

Permanent	5,269,466+	5,976,696+	
Further amend 46, IV, (c), (2) by striking the lines "Benefits 522,151 596,486, Total \$6,807,918	522,151	596,486	\$7,797,549, Estimated source
of funds for professional care & treatment: General \$6,807,918	\$7,797,549"		and inserting in place thereof the following:
Benefits			
Total	544,651	611,343	\$7,976,476
Estimated source of funds for professional care & treatment:			
General	\$7,080,418		\$7,976,476
Amend section 46, IV, (c) by striking out the following lines "Total \$11,924,930	\$13,067,951, Estimated source of funds for new		
hampshire hospital: Federal \$370,804	\$103,781, Maintenance refund 71,000	72,000, Student fees 4,000	2,000, General 11,479,126
12,888,170, Total \$11,924,930	\$13,067,951"		and inserting in place thereof the following:
Total	\$12,197,430		\$13,196,403

## Estimated source of funds for new Hampshire hospital:

Federal	\$370,804	\$105,781
Maintenance refund	71,000	72,000
Student fees	4,000	2,000
General	11,751,626	13,016,622
<b>Total</b>	<u>\$12,197,430</u>	<u>\$13,196,403</u>

Amend section 46, IV by striking out the following lines "Total \$18,939,227 \$20,806,661, Estimated source of fund for division of mental health: Federal \$456,304 \$191,281, Maintenance refund 81,500 82,500, Student fees 4,000 2,000, General 18,397,423 20,530,880, Total \$18,939,227 \$20,806,661 and inserting in place thereof the following:

<b>Total</b>	<u>\$19,224,920</u>	<u>\$20,947,753</u>
Estimated source of funds for division of mental health:		
Federal	\$456,304	\$191,281
Maintenance refund	81,500	82,500
Student fees	4,000	2,000
General	18,683,116	20,671,972
<b>Total</b>	<u>\$19,224,920</u>	<u>\$20,947,753</u>

Amend section 46, V, (j) by striking out all after (3) and inserting the following:

(4) Tirrell houses:

Personal services:

Other

Current expenses \$26,000

14,800

Other expenditures:

Benefits

1,812

Total

\$42,612

\$42,612

Estimated source of funds for tirrell house:

Federal

\$42,612

\$42,612

Total

\$880,858

\$632,145

Estimated source of funds for alcohol and  
drug abuse program:

Federal

\$601,560

\$351,382

General

279,298

280,763

Total

\$880,858

\$632,145



Amend 46, V by striking out the lines "Total \$5,499,496 \$5,666,600, Estimated source of funds for division of public health services: Federal 3,455,507 3,527,995, Other 20,000 20,000, General 2,023,989 2,118,605, Total \$5,499,496 \$5,666,600" and inserting in place thereof the following:

Total	\$5,542,108	\$5,709,212
-------	-------------	-------------

Estimated source of funds for division of

public health services:

Federal	\$3,498,119	\$3,570,607
Other	20,000	20,000
General	2,023,989	2,118,605
Total	\$5,542,108	\$5,709,212

Amend section 46, VII, (b), (1) by striking out the line "Grants \$15,414,053\* \$15,364,075\*" and inserting in place thereof the following:

Grants	\$15,414,053a	\$15,364,075a
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Amend section 46, VII, (c), (1) by striking out the same and inserting in place thereof the following:

(c) Medical assistance:

(1) Provider payment:

Grants

	\$25,452,000	\$27,821,800
Total	\$25,452,000	\$27,821,800

## Estimated source of funds for provider

payment:	
Federal	\$15,792,981
Local	2,567,410*
Estimated recoveries	5,000
General	7,086,609
Total	<u>\$25,452,000</u>
	<u><u>\$27,821,800</u></u>

\*For the fiscal years ending June 30, 1974 and June 30, 1975 the share which a county or town must reimburse the state for old age assistance and permanently and totally disabled recipients in nursing homes for which such county or town is liable shall be fifty (50) percent of the non-federal share. Provisions of the law inconsistent with the provisions hereof are suspended until June 30, 1975.

Amend 46, VII, (c), (2) by striking out the same and inserting in place thereof the following:

## (2) Professional services:

Personal services:		
Permanent	\$208,857	\$215,984
Other	13,100	13,100
Current expenses	17,500	17,500
Travel:		
In state	1,670	1,670
Equipment	6,646	2,673
Other expenditures:		
Benefits	19,616	20,258
Merit system	337	337
Total	<u>\$267,726</u>	<u>\$271,522</u>

## Estimated source of funds for professional

## services:

Federal  
General

\$200,795  
66,931

\$203,642  
67,880

## Total

\$267,726

\$271,522

Amend 46, VII, (c) by striking out the lines "Total \$26,937,950 \$29,027,057, Estimated source of funds for medical assistance: Federal \$16,646,871 \$17,991,947, Local 2,636,668 2,732,468, Estimated recoveries 5,000 5,000, General 7,649,411 8,297,642, Total \$26,937,950 \$29,027,057" and inserting in place thereof the following:

## Total

\$26,572,950

\$28,605,763

## Estimated source of funds for medical

## assistance:

Federal  
Local

\$16,420,388  
2,567,410

\$17,723,244  
2,663,210

Estimated recoveries

5,000

5,000

General

7,580,152

8,214,309

## Total

\$26,572,950

\$28,605,763

Amend section 46, VII by striking out the lines "Total \$52,952,735\* \$54,188,109\*, Estimated source of funds for division of welfare: Federal \$32,167,290 \$32,114,344, Local 3,983,883 4,091,868, Estimated revenue & recoveries 397,400 397,400, General 16,404,162 17,584,497, Total \$52,952,735 \$54,188,109" and inserting in place thereof the following:

<b>Total</b>	<u><u>\$52,587,735*</u></u>	<u><u>\$53,766,815*</u></u>
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Estimated source of funds for division of welfare:

Federal	\$31,940,807	\$31,845,641
Local	3,914,625	4,022,610
Estimated revenue & recoveries	397,400	397,400
General	16,334,903	17,501,164
<b>Total</b>	<u><u>\$52,587,735</u></u>	<u><u>\$53,766,815</u></u>

Amend section 46 by striking out the lines "Total for department of health & welfare \$78,304,514 \$81,604,067, Estimated source of funds for department of health & welfare: Federal \$36,179,101 \$35,933,620, Other 4,492,783 4,599,768, General 37,632,630 41,070,679, Total \$78,304,514 \$81,604,067" and inserting in place thereof the following:

<b>Total for department of health &amp; welfare</b>	<u><u>\$78,267,819</u></u>	<u><u>\$81,366,477</u></u>
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## Estimated source of funds for department

## of health &amp; welfare:

Federal	\$35,995,230	\$35,707,529
Other	4,423,525	4,530,510
General	37,849,064	41,128,438
Total	<u>\$78,267,819</u>	<u>\$81,366,477</u>

Amend section 51, I, (c) of the bill by striking out the same and inserting in place thereof the following:

## (c) Business management:

Personal services:		\$183,269
Permanent	\$177,984	23,701
Current expenses	25,719	
Travel:		
In state	2,500	1,500
Out of state	500	500
Equipment	2,300	....
Other expenditures:		
Benefits	15,846	16,380
Total	<u>\$224,849*</u>	<u>\$225,350*</u>



## Estimated source of funds for business management:

Federal	\$12,249		\$43,413
Transfers from other divisions	111,411		115,796
General	101,189		66,141
Total	<u>\$224,849</u>		<u>\$225,350</u>

Amend section 51, I, of the bill by striking out all after paragraph (c) and inserting in place thereof the following:

## (d) Planning unit:

Personal services:			
Permanent	\$63,220		\$64,723
Current expenses	5,400		5,700
Travel:			
In state	1,200		1,200
Out of state	1,350		1,350
Other expenditures:			
Conferences & work shops	1,000		1,000
Benefits	5,744		6,081
Total	<u>\$77,914</u>		<u>\$80,054 +</u>

## Estimated source of funds for planning unit:

Federal	\$77,914	\$80,054
Total	<u>\$417,491</u>	<u>\$419,474</u>

Estimated source of funds for administration and support, DOE:

Federal	\$100,142	\$132,723
Literary	19,000	19,000
Transfers from other divisions	111,411	115,796
General	186,938	151,955
Total	<u>\$417,491</u>	<u>\$419,474</u>

\*This appropriation, or so much as may be needed shall fully fund positions 0041, 0086, 0162, and 0166 only through 3/31/74, in the event any federal funds become available for such funding for said period they are hereby appropriated therefor and this appropriation shall be reduced by the amount of said federal funds, if federal funds are available for funding said positions for the period from 3/31/74 thru 6/30/74, they are hereby appropriated for such purpose. The balance of this appropriation shall lapse on March 31, 1974.

In fiscal year 1975, if federal funds are not available to fund these positions, the positions will be abolished.

+Positions 0208, 0143, 0118, and 0248 will be abolished at June 30, 1974, if federal funds are not received for funding of these positions.

Amend section 51, III of the bill by striking out the lines "Personal services: Permanent 445,787 + + —".

Further amend section 51, III of the bill by striking out the lines "Total \$14,633,187 \$15,425,600, Estimated source of funds for financial aids to districts: Federal \$3,515,000 \$4,080,000, Local share state support 1,865,800 2,065,500, Taxation unorganized areas 42,000+ 48,000+, General 9,210,387 9,232,100, Total \$14,633,187 \$15,425,600, + + This appropriation shall be reduced by any ap-

plicable federal funds, and inserting in place thereof the following:

Total	<u>\$14,187,400</u>	<u>\$15,425,600</u>
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Estimated source of funds for financial aids  
to districts:

Federal	\$3,515,000	\$4,080,000
Local share state support	1,865,800	2,065,500
Taxation unorganized areas	42,000+	48,000+
General	8,764,600	9,232,100
Total	<u>\$14,187,400</u>	<u>\$15,425,600</u>

Amend section 51, VII of the bill by striking out the same and inserting in place thereof the following:

VII Program services instruction:

Personal services:

Permanent	\$435,742	\$439,291
Other	8,413	8,413
Current expenses	60,703	62,703
Travel:		
In state	16,400	16,400
Out of state	6,800	6,800
Equipment	10,000	7,000
Other expenditures:		
Follow through technical assistance	6,500	6,800
Business management support	23,000	23,000
Administration division support	12,000	12,000
Workshop & conferences	80,000	80,000
Benefits	34,514	36,293
Total for program services instruction	<u>\$694,072*</u>	<u>\$698,700*</u>

## Estimated source of funds for program

## services instruction:

Federal	\$361,000	\$469,859
Transfer from vocational technical	22,000	22,000
General	311,072	206,841
	<hr/>	<hr/>
Total	\$694,072	\$698,700
	<hr/>	<hr/>

\*This appropriation, or so much as may be needed shall fully fund positions 0030, 0032, 0034, 0038, 0079, 0080, 0091, 0094, 0102, 0104, and 0129 only through 3/31/74, in the event any federal funds become available for such funding for said period they are hereby appropriated therefor and this appropriation shall be reduced by the amount of said federal funds, if federal funds are available for funding said positions for the period from 2/31/74 thru 6/30/74, they are hereby appropriated for such purpose. The balance of this appropriation shall lapse on March 31, 1974.

In fiscal year 1975, if federal funds are not available to fund these positions, the positions will be abolished.

Amend section 51, XIII by striking out the lines "Personal services: Permanent \$79,725 \$79,725, Other 3,300 3,300" and inserting in place thereof the following:

## Personal services:

Permanent	\$25,599	\$25,599
Other	57,426	57,426

Amend section 51, XVI by striking out the same and inserting in place thereof the following:

## XVI Administration services:

## Personal services:

Permanent	\$237,719	\$241,825
Other	24,832	23,261
Current expenses	37,956	35,000

Travel:		
In state	8,000	8,000
Out of state	3,000	3,000
Equipment	4,273	1,090
Other expenditures:		
Certification, professional standards conference & workshop	9,000	9,000
Grants to local units (professions development)	79,600	78,500
Benefits	22,501	22,512
Total	<u>\$426,881*</u>	<u>\$422,188*</u>
Estimated source of funds for administrative services:		
Federal	\$148,995	\$227,000
Transfers from other units	24,000	24,000
General	253,886	171,188
Total	<u>\$426,881</u>	<u>\$422,188</u>

\*This appropriation, or so much as may be needed shall fully fund positions 0037, 0075, 0093, 0095, 0096, 0109, 0126, 0175, 0182, 0229, and 0248 only through 3/31/74, in the event any federal funds become available for such funding for said period they are hereby appropriated therefor and this appropriation shall be reduced by the amount of said federal funds, if federal funds are available for funding said positions for the period from 3/31/74 thru 6/30/74, they are hereby appropriated for such purpose. The balance of this appropriation shall lapse on March 31, 1974.

In fiscal year 1975, if federal funds are not available to fund these positions, the positions will be abolished.



Amend section 51, XVII of the bill by striking out the lines "Personal services: Permanent \$319,390 \$323,659, Other 7,600 7,600" and inserting in place thereof the following:

Personal services:		
Permanent	\$272,994	\$274,667
Other	53,996	56,592

Further amend section 51, XVII of the bill by striking out the line "Area vocational schools 300,000 500,000" and inserting in place thereof the following:

Area vocational schools	250,000	300,00
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Further amend section 51, XVII of the bill by striking out the lines "Total \$2,335,684 \$2,536,594, Estimated source of funds for program services — vocational technical: Federal \$1,898,561 \$1,898,495, General 437,123 638,099, Total \$2,335,684 \$2,536,594" and inserting in place thereof the following:

Total	\$2,285,684	\$2,336,594
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Estimated source of funds for program services — vocational technical:

Federal	\$1,898,561	\$1,898,495
General	387,123	438,099
Total	\$2,285,684	\$2,336,594

Amend section 51, XVIII of the bill by striking out the lines "Total \$3,115,513 \$3,568,836, Estimated source of funds for school nutrition: Federal \$2,897,500 \$3,296,300, General 218,013 272,536, Total \$3,115,513 \$3,568,836" and inserting in place thereof the following:

Total	\$3,115,513*	\$3,568,836*
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Estimated source of funds for school

nutrition:

Federal  
General

\$2,887,120	\$3,296,300
228,393	272,536
<hr/>	<hr/>
\$3,115,513	\$3,568,836
<hr/>	<hr/>

Total

\*This appropriation, or so much as may be needed shall fully fund position 0073 only through 3/31/74, in the event any federal funds become available for such funding for said period they are hereby appropriated therefor and this appropriation shall be reduced by the amount of said federal funds, if federal funds are available for funding said position for the period from 3/31/74 thru 6/30/74, they are hereby appropriated for such purpose. The balance of this appropriation shall lapse on March 31, 1974.

In fiscal year 1975, if federal funds are not available for such funding for said period the position will be abolished.

Amend section 51, XIX, (d) of the bill by striking out the lines "Personal services: Permanent \$215,635 \$249,819, Other 55,040 58,752" and inserting in place thereof the following:

Personal services:

Permanent \$105,814  
Other 164,861

\$107,537  
201,034

Amend section 51, XIX, (c) of the bill by striking out the lines "Personal services: Permanent \$26,869 \$27,536" and inserting in place thereof the following:

Personal services:

Permanent \$16,855  
Other 10,014

\$16,914  
10,622

Amend section 51, XIX, (h) of the bill by striking out the lines "Personal services: Permanent \$175,394 \$179,593" and inserting in place thereof the following:

Personal services:

Permanent	\$158,075	\$161,332
Other	17,319	18,261

Amend section 51, XX, (a) of the bill by striking out in said section all after the lines Grants to local education agencies 117,400 115,300 and inserting in place thereof the following:

Education of handicapped:

Tuition payments	700,000	700,000
Local school districts	450,000	450,000
Voc. rehabilitation blind services	98,700	103,400
Benefits	6,793	7,242

Total

\$1,491,033	\$1,495,751
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Estimated source of funds for special

education:

Federal	\$191,300	\$190,900
General	1,299,733	1,304,851

Total

\$1,491,033	\$1,495,751
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Amend section 51, XX, (b) of the bill by striking out the lines "Personal services: Permanent \$180,736 \$189,354" and inserting in place thereof the following:

Personal services:

Permanent	\$102,814	\$98,179
Other	77,922	91,175

Further amend section 51, XX of the bill by striking out the lines "Total \$1,524,833 \$1,543,251, Estimated source of funds for vocational rehabilitation — program services: Federal \$675,100 \$668,400, General 849,733 854,851, Total \$1,524,833 \$1,543,251" and inserting in place thereof the following:

Total	\$1,974,833	\$1,993,251
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Estimated source of funds for vocational rehabilitation — program services:

Federal	\$675,100	\$688,400
General	1,299,733	1,304,851

Total	\$1,974,833	\$1,993,251
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Further amend section 51 of the bill by striking out the lines "Total for department of education \$32,642,695 \$34,524,870, Estimated source of funds for department of education: Federal \$14,016,906 \$15,354,802, Other 3,395,524 3,645,608, General 15,230,265 15,524,460, Total \$32,642,695 \$34,524,870" and insedting in place thereof the following:

Total for department of education	\$32,540,529	\$34,738,350
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Estimated source of funds for department of education:

Federal	\$13,744,946	\$15,311,400
Other	3,395,524	3,645,608
General	15,400,059	15,781,342

Total	\$32,540,529	\$34,738,350
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Amend the bill by striking out section 54 and inserting in place thereof the following:

54 New Hampshire network:  
Total

FISCAL 1974

\$818,900

FISCAL 1975

\$818,900

Estimated source of funds for new Hampshire network:

Federal

\$40,000

Council dues

60,000

Membership gifts

75,000

School districts

92,000

Special projects

101,900

General

450,000

Total

\$818,900

Amend section 55 of the bill by striking out all after the line Track expenses 12,000a and inserting in place thereof the following:

Centralized data processing

107,620d

Instant sweepstakes tickets

125,000g

Overhead

2,100e

Benefits

35,065

107,620d

....

2,205e

35,638

Total for sweepstakes commission

\$1,145,929\*\*

\$1,049,692\*\*

Estimated source of funds for sweepstakes commission:

Sweepstakes revenue special account

\$1,145,929

\$1,049,692



\*This appropriation shall not be transferred or expended for any other purpose. The liquor commission shall be reimbursed monthly for services rendered at the rate of 5% of the income received from sale of sweepstakes tickets in liquor stores.

\*\*Legislative intent is to provide sufficient funding to the sweepstakes commission to carry out sweepstakes programs that will provide funds for distribution in accordance with RSA 284:21-j (supp). The estimated source of funds for the special fund follows:

	1974	1975
Estimated gross revenue less, estimated prizes, agent commissions and bank fees	\$9,033,000	\$9,033,000
	5,035,500	5,035,500
Estimated proceeds before administrative operating costs	\$3,997,500	\$3,997,500
Operating appropriated funds	1,145,929	1,049,692
Estimated balance for distribution	\$2,851,571	\$2,947,808

Amend section 56, I of the bill by striking out the same and inserting in place thereof the following:

I University of new hampshire — durham:

Total	\$35,178,400	\$36,714,000
Estimated source of funds for durham:		
Federal	\$191,000	\$121,000
Auxiliary enterprises	7,178,300	7,493,300
Other	13,569,000	13,750,000
Sponsored res. & education program	5,000,000	5,000,000
General	9,240,100*	10,349,700*
Total	\$35,178,400	\$36,714,000

\*The State appropriation includes \$530,000 in fiscal 1974 and \$549,000 in fiscal 1975 to be used to reduce in state tuition from \$950.00 to \$855.00 per academic year. These funds shall not be used for any other purpose.

Amend section 56, II of the bill by striking out the same and inserting in place thereof the following:

II Keene state college:

Total	\$5,633,083	\$5,746,584
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Estimated source of funds for keene state

college:

Federal	\$18,800	\$19,000
Auxiliary enterprises	1,703,400	1,792,400
Other	2,182,000	2,260,000
General	1,728,883	1,675,184
Total	\$5,633,083	\$5,746,584

Amend section 56, III of the bill by striking out the same and inserting in place thereof the following:

III Plymouth state college:

Total	\$5,509,177	\$5,684,827
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Estimated source of funds for plymouth:

Auxiliary enterprises	\$1,860,300	\$1,961,400
Other	2,042,380	2,131,636
General	1,606,497	1,541,791
Total	\$5,509,177	\$5,684,827

Amend section 56, IV of the bill by striking out the same and inserting in place thereof the following:

IV Merrimack valley branch:

Total	\$754,865	\$815,316
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Estimated source of funds for merrimack

valley branch:

Auxiliary enterprises	\$45,000	\$47,700
Other	589,600	690,915
General	120,265	76,701
Total	\$754,865	\$815,316

Further amend section 56 of the bill by striking out the lines "Total for higher education fund \$55,373,570 + \$57,164,958 +, Esti-

mated source of funds for higher education fund: Federal \$1,543,700 \$1,473,900, Other 36,145,033 37,144,404, General 17,684,837

18,546,654, Total for higher education fund \$55,373,570 \$57,164,958" and inserting in place thereof the following:

Total for higher education fund

	\$55,223,570 +	\$57,014,958 +
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Estimated source of funds for higher

education fund:

Federal	\$1,543,700	\$1,473,900
Other	36,145,033	37,144,404
General	17,534,837	18,396,654
Total	\$55,223,570	\$57,014,958

Amend section 58 of the bill by striking out the same and inserting in place thereof the following:

58 Summary:

I Total appropriation for general government as included in sections 2 thru and including 10

Estimated source of funds for general government as included in sections 2 thru and including 10

Federal

Highway

Other

General

Total

II Total appropriation for administration of justice and public protection as included in sections 11 thru and including 32

FISCAL 1974

\$19,167,646

\$6,188,619

159,579

1,853,362

10,966,086

\$19,167,646

\$25,112,195

FISCAL 1975

\$20,649,159

\$6,651,619

164,552

2,115,616

11,717,972

\$20,649,159

\$25,647,871

Estimated source of funds for administration of justice and public protection as included in sections 11 thru and including 32

Federal	\$375,084	\$367,327
Highway	6,130,500	6,317,023
Other	3,376,779	3,812,347
General	15,229,832	15,151,174
Total	<u>\$25,112,195</u>	<u>\$25,647,871</u>

III Total appropriation for resource protection and development as included in sections 33 thru and including 37

	<u>\$13,033,867</u>	<u>\$14,110,870</u>
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Estimated source of funds for resource protection and development as included in sections 33 thru and including 37

Federal	\$815,948	\$755,036
Fish and game	2,276,312	2,329,513
Other	3,371,214	3,437,799
General	6,569,893	7,588,522
Total	<u>\$13,033,867</u>	<u>\$14,110,870</u>

IV Total appropriation for transportation as included in sections 38 thru and including 43

	<u>\$88,451,954</u>	<u>\$88,688,044</u>
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Estimated source of funds for transportation as included in sections 38 thru and including 43		
Federal	\$25,382,400	
Highway	55,601,089	
Other	7,094,588	
General	609,967	
Total	<u>\$88,688,044</u>	
V Total appropriation for health and social services as included in sections 44 thru and including 48		
	\$84,017,191	
Estimated source of funds for health and social services as included in sections 44 thru and including 48		
Federal	\$37,617,529	
Other	4,783,943	
General	41,615,719	
Total	<u>\$84,017,191</u>	
VI Total appropriation for education as included in sections 49 thru and including 56		
	\$94,346,566	

Estimated source of funds for education as included in sections 49 thru and including 56

Federal	\$15,723,320	\$17,219,974
Other	41,146,886	42,300,104
General	33,583,988	34,826,488
Total	<u>\$90,454,194</u>	<u>\$94,346,566</u>

Total appropriation for HB 888 as included in sections 2 thru and including 56

\$316,953,354	\$327,459,701
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Estimated source of funds for HB 888 as included in sections 2 thru and including 56

Federal	\$86,219,691	\$87,993,885
Fish and game	2,276,812	2,329,513
Highway	61,370,221	62,082,664
Other	61,802,908	63,544,397
General	105,283,722	111,509,242
Total	<u>\$316,953,354</u>	<u>\$327,459,701</u>

Amend section 63 of the bill by striking out the same and inserting in place thereof the following:

63 Estimated Federal Funds. If under any appropriation in section 2 through 52 the federal grant received is less than estimated, the total appropriation shall be reduced by the amount of reduction in federal estimates and the applicable state matching funds. If the applicable state matching funds are included in a section or sections other than the section or sections in which the federal grants are estimated the appropriation reductions shall be made in the applicable sections. The provisions of this section shall not apply to revenue sharing funds.

Amend section 64 of the bill by striking out the same and inserting in place thereof the following:

64 Room Assignment. Notwithstanding any other provisions of law to the contrary, all rooms and office space in the basement and on the first and third floors of the state house shall be assigned for use by the president of the senate and speaker of the house with the exception of rooms 100, 122, 123, 124 and the hall of flags located on the first floor of the state house.

Amend section 65 of the bill by striking out the same and inserting in place thereof the following:

65 Bond Issue Authorized. To provide funds for the purpose of construction and reconstruction of highways, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding three million dollars for fiscal 1974 and the sum not exceeding three million dollars for fiscal 1975 and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on bonds or notes issued under this section shall be a charge on the highway fund. The monies provided in this section hereof shall be a continuing appropriation and shall not lapse.

Amend the bill by striking out sections 75 and 76 and inserting in place thereof the following:

75 Emergency Appropriation for Aid to Families with Dependent Children. It is hereby declared to be the intent of the general court that the appropriation made by section 46 paragraph VII sub paragraph (b) (1) of this act is sufficient for and shall be expended at a rate necessary to provide eligible recipients with a reasonable subsistence compatible with decency and health, provided that in the event the director of the division of welfare, after consultation with the fiscal committee, finds that said appropriation is not sufficient to expend at such a rate the governor with the approval of the council is authorized to draw his warrant from any money in the treasury not otherwise appropriated for such sum or sums needed to expend for said purpose at such a rate and any such sums are hereby appropriated for such purpose. The funds in this appropriation shall not be transferred or expended for any other purpose.

76 Budget Format. Amend RSA 9 by inserting after section 8 the following new section:

9-8-a Program Appropriation Unit Format. All budgets provided for by this subdivision shall be in program appropriation unit format as first employed by the 1973 general court.

Amend the bill by striking out all after section 76 and inserting in place thereof the following:

77 Reduced Road Toll. In the event that the commissioner of public works and highways is of the opinion that the estimated road toll revenue of thirty-nine million, eighty thousand one hundred dollars for fiscal year 1974 and forty-one million, six hundred twenty thousand three hundred dollars for fiscal year 1975 will not be realized, he shall, with the approval of the fiscal committee, apply to the governor and council for authority to reduce noncontractual expenditures authorized in section 41, paragraphs IV and V, so that the amounts expended pursuant to said paragraphs for maintenance and highway garage will be reduced by the amount that the commissioner is of the opinion that the road tolls will be below the above estimated figures.

78 Transfer from Employee Benefit Adjustment Account Authorized. In the event the appropriation in the State Treasury, Retirement Division, for the line item "Normal contribution," section 10, paragraph II of this act, is insufficient for either fiscal year 1974 or fiscal year 1975, the comptroller, upon the approval of the governor and council, is authorized to transfer, from the employee benefit adjustment account, as established by RSA 9:17c, into said line item appropriation, an amount equal to the difference between said appropriation and the amount required for the state's contribution.

79 Effective Date. This act shall take effect July 1, 1973.

Sen. Trowbridge

Sen. Foley

Sen. Green

Conferees on the Part of the Senate

Rep. Drake

Rep. Zachos

Rep. Ferguson, Jr.

Rep. Huot

Rep. Goff

Conferees on the Part of the House

Sen. TROWBRIDGE: Mr. President, I would like to make these preliminary remarks. When you get to the committee of conference on the budget and you are surrounded by the staff of the legislative budget assistant and you realize that this budgetary process started last July and that there are probably something like 20,000 man hours of department heads, and sub-department heads and the budget hearings etc. that you get a feeling of the fact that this is not a decision taken lightly. During that time the Governor asked if he could meet with us and we said by all means and he came before our committee and these are the things that we were asked. I think that we have satisfied the list of things that the Governor asked for on that Tuesday meeting. The major ones being (Governor's proposals) 1. Welfare — the two million dollars marked in the Senate version for reserve could be eliminated. 2. University system — the Senate budget is two million more than my recommendation. 3. Mental Health Clinic — 2.5 million was added by the Senate. 4. New Hampshire Hospital — the addition of more than 300 hundred positions seems unrealistic when there are more than 80 unfilled positions at the hospital now. That makes a budget hike of 2.8 million above my recommendation. 5. New employees — CDP — Safety — Welfare — (we have cut all of these).

Sen. PRESTON: Sen. Trowbridge, you referred to the fact that it was footnoted in the budget approximately one million dollars that might come from the Government and today we've heard that the President has signed this bill. If that is a fact do you see that as a million that you can withdraw from this?

Sen. TROWBRIDGE: That could go into surplus.

Sen. FERDINANDO: Sen. Trowbridge, you mentioned that we were talking about 346 new jobs. Can you explain it?

Sen. TROWBRIDGE: Major Wheelock said we cannot have, or gain accreditation without an increase in staff.

Sen. JACOBSON: Sen. Trowbridge, I have one question about the employees. Is the actual number of new positions in the neighborhood of 420?

Sen. TROWBRIDGE: No, the eighty vacancies are old positions that are there now that can't be filled.

Sen. JACOBSON: In item 56 there are no new employees



of the University. Could you then explain an increase of 6.6 million dollars as proposed by our budget?

Sen. TROWBRIDGE: I think you know perfectly well that the 6.6 million is part and parcel of the six percent pay raise the first year that they have elected to do instead of what the state employees did. There is an inflation factor of six percent.

Sen. JACOBSON: According to the legislative budget assistant, the current authorized spending is \$17,704,526. You say that it's 22 million?

Sen. TROWBRIDGE: I'm saying that to go forward on July 1 of this year we call for that amount.

Sen. JACOBSON: Mr. President, I think that all of us have some various problems with this budget, and there seems to be a cloud hovering over as to whether or not the Governor is going to veto this budget. I think that this is a serious matter. If at all possible I would like to avoid that kind of confrontation and that we have a compromise between what the Governor thinks it should be and what the legislature thinks it should be. It seems to me that a compromise should be worked out. I think perhaps the legislature could come down some and the governor could come up some.

Sen. TROWBRIDGE: Sen. Jacobson, I have been asking for sometime for someone to come to me and say this is what I want to cut and this is where we want to do the cutting. In the one communique that we did receive we did in turn cut.

Sen. JACOBSON: Let me respond by saying that I think that there is a strong impetus for the Governor to make his suggestions.

Sen. GREEN: Mr. President, I rise in support of the committee report. I feel very strongly that there has been compromise in this report both with the House conferees and to the needs of the people of this state and of the requests of the Governor.

Sen. SANBORN: Mr. President, I must speak against the present motion to accept this budget. I feel very firmly that the budget would be sufficient with 210 or 213 million for the biennium. I want to congratulate Sen. Trowbridge for his fine work.

Sen. PRESTON: I'd like to thank Sens. McIntyre and Cotton, and Congressmen Wyman and Cleveland and the Governor, for the money that has been sent to the Odyssey House in Hampton.

Sen. Ferdinando moved the previous question.

Adopted.

Roll call requested by Sen. Sanborn and seconded by Sen. Blaisdell.

Yeas: Sens. S. Smith, Bradley, Green, Spanos, Nixon, Blaisdell, Trowbridge, Porter, McLaughlin, Claveau, R. Smith, Johnson, Downing, Preston and Foley.

Nays: Sens. Lamontagne, Poulsen, Gardner, Jacobson, Ferdinando, Sanborn, Provost, Brown and Bossie.

Result: Yeas 15; Nays 9.

Adopted.

### ENROLLED BILLS REPORT

HB 933, relative to the possession of pistols and revolvers by convicted felons and eliminating the prohibition against aliens possessing the same.

HB 952, permitting the town of Durham to revert to a calendar year accounting period and providing for an appropriate transitional budget.

HB 1021, relative to establishing a noise abatement program.

HB 1009, authorizing the use of Reed Act funds.

HB 254, specifying certain deductions which must be allowed proprietorships and partnerships in calculating the business profits tax.

HB 272, increasing the sum paid for care of mentally ill persons in foster homes.

Sen. Provost  
*For The Committee*

Sen. Foley moved that the Senate now adjourn from the early session, that the business of the late session be in order

at the present time, that the readings of bills be by title only and resolutions by captions only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and that when we adjourn we adjourn until Tuesday, June 26 at 10:00 a.m.

Adopted.

### LATE SESSION

Sen. Jacobson and Trowbridge moved the Senate adjourn.

Adopted.

Sen. Jacobson and Trowbridge moved reconsideration of their motion.

Adopted.

### RECESS

### OUT OF RECESS

### ENROLLED BILLS REPORT

HB 888, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975.

Sen. Provost  
*For The Committee.*

Sen. Blaisdell, Downing, Brown, Provost and S. Smith moved the Senate adjourn at 7:50 p.m.

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*Tuesday, 26Jun73*

The Senate met at 10:00 a.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Oh Lord God, we thank Thee for our revitalizing weekend. We hope, with your help, to tackle and resolve some of the problems facing us — step by step!

May Thy special blessing rest upon this State, for we *are* at a time when we need, keen minds — courageous hearts and a resolute faith in our judgement.

Bind us together with a Unity of Spirit — clarify our personal bonds with understanding — love and peace! Amen.

Pledge of Allegiance was led by Mrs. Bette Rose and Mr. Lee Edwards.

## HOUSE MESSAGES

### ENROLLED BILLS AMENDMENTS TO

HB 775, relative to retail sales agreements.

Sen. R. Smith moved that the Senate concur with the amendment.

### AMENDMENT

Amend the introductory part of RSA 361-B:2, I by striking out lines 18 through 20 and inserting in place thereof the following:

so long as the Federal Trade Commission language provides at least equal information to the consumer concerning his right to cancel as is required by this chapter.

Amend RSA 361-B:2, I (a) by striking out line 2 and inserting in place thereof the following:

the requirements of RSA 361-B:2, I, if the seller guaran-

Amend RSA 361-B:2, II, by striking out lines 3 through 6 and inserting in place thereof the following:

in, the seller shall be deemed in violation of this section. In the event the buyer does not comply with RSA 361-B:2, I (b), the seller shall have the right to legal recourse to recover his property.

Amendment Adopted.

HB 653, providing for trial of certain misdemeanors by six member juries.

Sen. R. Smith moved that the Senate concur with the amendment.

## AMENDMENT

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

after section 7 the following new sections:

Amendment Adopted.

HB 1051, amending the charter of the city of Somersworth relative to abolishing the police commissioner, the appointment of the police chief and the composition of the school board.

Sen. R. Smith moved that the Senate concur with the amendment.

## AMENDMENT

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 Somersworth Police Commission. Such parts of Laws of 1913, chapter 148, section 1 as provide for said chapter to apply to the city of Somersworth are hereby repealed.

Amendment Adopted.

HB 720, relative to amending the RSA by deleting the work "poll" and substituting where applicable the word "resident".

Sen. R. Smith moved that the Senate concur with the amendment.

## AMENDMENT

Amend the bill by striking out sections 8, 9, 11, 12, and 13 and renumbering sections 10 and 14 to read as follows:

8      and      9

Amendment Adopted.

HB 955, relative to the sale of liquor and alcoholic beverages by restaurant-cocktail lounges.

Sen. R. Smith moved that the Senate concur with the amendment.



## AMENDMENT

Amend section 1 of the bill by striking out line 19 and inserting in place thereof the following:

shall be one hundred and twenty-five dollars a year.

Amendment Aodpted.

SB 51, to provide workmen's compensation benefits to all persons who assist in fighting forest fires or any fires under the direction of the fire-fighting personnel authorized to give direction.

Sen. R. Smith moved that the Senate concur with the amendment.

## AMENDMENT

Amend section 2 of the bill by striking out the first five lines of same and inserting in place thereof the following:

2 Workmen's Compensation Law; Whether Compensation Paid; Definitions. Amend RSA 281:2, VII, (2), (supp) as inserted by 1967, 403:1, and as amended by 1973, 82:2, by striking out said subparagraph and inserting in place thereof the following:

(2) The average weekly wage for volunteer or auxiliary members of a fire or police department or ambulance service of the state or any of its political subdivisions,

Amendment Adopted.

HB 959, relative to investment of funds by treasurers of municipalities, counties and school districts.

Sen. R. Smith moved that the Senate concur with the amendment.

## AMENDMENT

Amend section 3 of the bill by striking out line four and inserting in place thereof the following:

ing to the county, and shall pay out the same only upon orders of the commis-

Amendment Adopted.

## COMMITTEE OF CONFERENCE REPORT ON

HJR 30, relative to the purchase of a fire truck for the city of Conconrd and making an appropriation therefor.

## COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred House Joint Resolution No. 30, A Joint Resolution relative to the purchase of a fire truck for the city of Concord and making an appropriation therefor, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur in the adoption of the Senate amendment; and

That the House and Senate each pass the bill as amended by the Senate.

Sen. Roger A. Smith, Dist. 15  
Sen. Stephen W. Smith, Dist 3  
Sen. Clesson J. Blaisdell, Dist. 10  
Conferees on the Part of the Senate

Rep. Richard D. Hanson, Mer. 5  
Rep. John H. Noble, Mer. 21  
Rep. James A. Saggiotes, Sull. 6  
Rep. Michael Saunders, Ches. 13  
Conferees on the Part of the House

Adopted.

HB 671, prohibiting the use of motorboats on Willard Pond in Antrim.

## COMMITTEE OF CONFERENCE REPORT ON HB 671

The committee of conference to which was referred House Bill 671, An Act prohibiting the use of motorboats on Willard Pond in Antrim, having considered the same report the same with the following recommendation:

That the House of Representatives recede from its position of nonconcurrency in the Senate amendment and adopt the Senate amendment and that the House and Senate each adopt the following amendment to the bill:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

prohibiting the use of petroleum powered motorboats  
on Willard Pond in Antrim.

Rep. Jack Boyd, Hills. 12  
Rep. Dorothy W. Davis, Car. 3  
Rep. Robbins Milbank, Ches. 10  
Rep. Otto H. Oleson, Coos 5

Conferees on the Part of the House  
Sen. Clesson J. Blaisdell, Dist. 10  
Sen. Robert F. Preston, Dist. 23  
Sen. Ward S. Brown, Dist. 19  
Conferees on the part of the Senate

Adopted.

HB 33, requiring poultry and meat slaughterhouses and processing plants to pay the cost of inspections conducted outside of regular business hours and providing for overtime pay for employees of the Department of Agriculture.

COMMITTEE OF CONFERENCE REPORT  
ON HB 33

The committee of conference to which was referred House Bill 33, An Act requiring meat slaughterhouses and processing plants to pay the cost of inspections conducted outside of regular business hours, having considered the same, report the same with the following recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment; and

That the Senate recede from its position of adopting its amendment; and

That the Senate adopt the House amendment; and that the Senate and House adopt the following new amendment and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Fixing Cost Responsibility in Meat Plants. Amend RSA 428-A by inserting after section 31 the following new section:

428-A:32 Costs of Inspection; Limitation. The cost of inspection rendered under the requirements of this chapter shall be borne by the state, except that the cost of overtime and holiday work performed in establishments subject to the provisions of this chapter shall be at such rates as the commissioner of agriculture may determine, and shall be borne by such establishments. Such costs shall be collected by the commissioner and shall be paid into a special account and all employees of the department who are required to make inspections at any time after working forty hours per week or after working eight hours per day shall be paid from said account at the rate of time and a half. Labor performed on Saturdays, Sundays and holidays shall also be compensated at the rate of time and a half. Costs collected by the commissioner for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

2 Fixing Cost Responsibility in Poultry Plants. Amend RSA 428-B:8 (supp), as inserted by 1969, 362:1, by striking out said section and inserting in place thereof the following:

428-B:8 Costs of Inspection; Limitation. The cost of inspection rendered under the requirements of this chapter shall be borne by the state, except that the cost of overtime and holiday work performed in establishments subject to the provisions of this chapter shall be as such rates as the commissioner of agriculture may determine, and shall be borne by such establishments. Such costs shall be collected by the commissioner and shall be paid into a special account, and all employees of the department who are required to make inspections at any time after working forty hours per week or after working eight hours per day shall be paid from said account at the rate of time and a half. Labor performed on Saturdays, Sundays and holidays shall also be compensated at the rate of time and a half. Costs collected by the commissioner for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. John H. McLaughlin  
Sen. Robert F. Preston  
Sen. William E. Sanborn  
Conferees on the Part of the Senate

Rep. Richardson D. Benton  
Rep. John Hoar, Jr.  
Rep. Douglas W. Scamman  
Rep. William F. Kidder  
Conferees on the Part of the House

Adopted.

#### HOUSE REQUESTS CONCURRENCE WITH AMENDMENT TO

SB 78, relative to representation for neglected and abused children.

(See House Journal)

Sen. Bradley moved that the Senate concur with the House amendment.

Sen. BRADLEY: All this bill does is make it clear that all children whether indigent or not have a right to counsel but only the indigent children have the counsel paid for.

Amendment Adopted.

#### HOUSE CONCURRENCE WITH REQUEST FOR COMMITTEE OF CONFERENCE ON

SB 179, abolishing the restriction prohibiting state liquor stores from operating within close proximity to schools, churches and parish houses.

The Speaker has appointed as members of said committee on the part of the House Reps. Collishaw, Twigg, Pray and Desmarais.

SB 75, adopting the uniform management of institutional funds act.

The Speaker has appointed as members of said committee on the part of the House Reps. Cate, Newell, Wilcox and D. Thompson.



## HOUSE NON-CONCURRENCE AND REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1028, establishing the New Hampshire Transportation Authority; and making an appropriation therefor.

The Speaker has appointed as members of said committee on the part of the House Reps. G. Roberts, Coutermarsh, Hamel, and Saggiotes.

On motion by Sen. Claveau the Senate voted to accede to the request of the House for committee of conference.

Adopted.

The Chair appointed as members to said committee, Sens. Claveau, Sanborn and Blaisdell.

## ENROLLED BILLS REPORT

HB 874, relative to procedure for towns, cities or counties to adopt fiscal year accounting and incurring debt during transition period.

HB 891, relative to all county accounting reports.

HB 917, relative to the revision of city charters.

HB 1035, relative to corporations with only two shareholders.

HB 1045, permitting the city of Dover to draw water from the Isinglass River in the City of Rochester.

HJR 32, establishing an interim study committee to study an administrative procedure act and draft a legislative proposal and making an appropriation therefor.

SJR 18, making an appropriation for purchase by the state of gasoline storage tanks and pumps.

HB 1027, amending in general the workmen's compensation laws.

SB 23, to clarify and make fairer the procedures relating to the appointment of guardians for mentally incompetent persons.

SB 63, relating to arrest without a warrant.

SB 97, relative to the discipline of students on school buses.

SB 101, establishing a public defender system for Merrimack and Hillsborough counties.

SB 164, clarifying and making co-equal the terms, shares and deposits, and shareholders and depositors under RSA 393 which regulates building and loan associations.

SB 195, relative to merging the sewer and water commissions of the town of Sunapee.

SB 236, providing due process in the right of appeal for suspended state employees.

SB 247, relative to the civil action of replevin.

SB 264, providing exceptions to the over-all width of motor vehicles and allowing a five percent tolerance for weight limitations.

HB 202, outlining procedures and providing for search and rescue operations and making an appropriation therefor.

HB 206, relative to the distribution of resident tax revenues.

HB 266, relative to salary increases upon certification and eligibility for certification of certain medical personnel.

HB 296, requiring all accident and health insurers and all medical and hospital service corporations to pay claims in spite of payment by another company.

HB 615, providing for closure in part of Back Channel in New Castle and Portsmouth to all hunting.

HB 777, relative to the combined office of town clerk-tax collector.

HB 800, relative to workmen's compensation to state employees and reimbursing the general fund by transfer of funds.

HB 434, relative to referendum voting by absentee ballot in biennial elections.

HB 327, permitting various types of financial institutions in New Hampshire to organize and/or participate in service corporations.

HB 408, providing for notification to employee under

group or blanket accident and health insurance policy that premium is not remitted.

HB 577, repealing certain provisions relative to cruelty to children at child-caring agencies.

HB 644, relative to the holder in due course doctrine.

HB 747, concerning conservation and preservation restrictions on real property.

SB 176, relative to the use of the word organic and the certification of organic farm produce.

SB 187, clarifying the authority of county conventions to set salaries, relative to the payment of certain Merrimack county salaries, and relative to the per diem of the Merrimack county executive committee.

SB 205, relative to retention of legal residence in spite of private or institutional confinement.

SB 220, to expand the scope of summary judgment proceedings.

SB 241, permitting the sale of alcoholic beverages in certain curling clubs.

SB 251, requiring bicycle riders to obey the rules of the road.

SB 254, relating to temporary investment of excess reserves of savings banks in federal funds.

SJR 14, providing for a supplemental appropriation for payment of counsel for indigent defendants.

SJR 15, establishing an interim committee to study RSA 79 and the performance of the yield tax.

HB 820, relative to limitations on the investment authority of building and loan associations, cooperative banks and savings and loan associations.

HB 846, relative to the time of school district meetings in cooperative school districts.

HB 859, legalizing the annual town meeting of the town of Wolfeboro.

HB 860, relative to the membership of the New Hampshire State Port Authority.

HB 866, allowing local wineries to sell wine directly to the consumer at the winery.

HB 871, relative to the jurisdiction of the probate courts.

HB 900, relative to the method of calculating state grants for sewage disposal construction.

HB 930, to amend the Lebanon city charter, and to provide for election of Lebanon school district officers at city elections.

HB 932, establishing civil actions and investigations for violation of the state antitrust law.

HB 283, providing for the acquisition of a certain dam and water rights on Newfound Lake in the town of Bristol by the water resources board and making an appropriation therefor.

HB 278, providing for overtime payment for the inspectors in the office of the state fire marshal.

HB 307, providing for the preservation of open space land by assessment at valuations based upon the current use thereof and by permitting discretionary easements of development rights; creating a current use advisory board and making an appropriation therefor.

HB 348, relative to notice of hearing by zoning board of adjustment.

HB 429, relative to the elimination of citizenship requirements for public assistance and relative to the local share of assistance in old age assistance, and aid to permanently and totally disabled and work incentive program.

HB 489, to make the police standards and training council a permanent state agency and making an appropriation therefor.

HB 506, permitting village districts to be formed for purposes of impounding water.

HB 532, providing a definition for terms of appointment and designating certain exceptions.

HB 689, relative to prohibiting the use of petroleum powered boats on Mount William Pond in the town of Weare.

HB 678, establishing a committee to study rules and regulations promulgated by the welfare department as they are applied to day care centers.

HB 14, abolishing the six month residency requirement for voting; repealing the provision for transfer cards; and providing that voters must be registered ten days before an election.

HB 123, providing for the acquisition of the Kelley Falls dam and water rights by the water resources board and making an appropriation therefor.

HB 208, relative to classification of highways, highway aid apportionment and highway regulation.

HB 734, relative to the establishment of new positions in the county government of Hillsborough county.

HB 771, relative to the appointment of the police commission in the city of Claremont, by the city manager.

HB 773, relative to unsolicited merchandise and unfair trade practices.

HB 776, clarifying tax exemptions on real estate owned by the state.

HB 801, relative to expenses of county investigatory committees.

HB 809, relative to the expenses of education in public institutions.

HB 830, clarifying the statutes on explosives.

HB 716, to codify the uniform partnership act and relative to the uniform gifts to minors act.

HB 939, relative to competitive bidding on purchases made by counties.

HB 941, extending the appraisal period and the recapture of tax revenues under the current use assessment law.

HB 948, relative to dog training and permits issued therefor.

HB 958, relative to the powers of executive committees of the county.



HB 986, relative to recovery of medical assistance from legally liable parties.

HB 987, relative to the alternate salary of special justices of district courts.

HB 1016, which is an omnibus legalizing act legalizing certain town meetings of the towns of Andover, Conway, Hill, Lyndeborough, North Hampton, Pembroke, Sutton, and New Durham and of the school districts of Marlow, Pembroke and Colebrook and relative to the adoption of an optional fiscal year by Hillsborough county and validating certain proceedings of the Hillsborough county executive committee and Hillsborough county delegation.

HB 857, permitting public employees to enter into a deferred compensation plan.

HB 898, relative to the authority and rights of appointed chiefs of police.

HB 976, relating to savings bank investments in mobile home loans and motor home loans.

SB 104, providing for the acquisition of Gile Forest and making an appropriation therefor.

SB 198, relative to the licensing of alarm installers.

SB 206, providing that if the insured prevails in a declaratory action against the insurer, he shall receive costs and attorneys' fees.

SJR 22, to reimburse Charles and Catherine Valenti for damage to their water supply.

HB 74, relative to regulation of the practice of pharmacy.

HB 151, establishing a solid waste committee; providing for development of a solid waste disposal program and making an appropriation therefor.

HB 574, relative to advanced registered nurse practitioners.

HB 591, amending the Rochester city charter by increasing the size of the city council and the school board from twelve

to fifteen elected members each, and providing for the election of three members each from each ward for two-year terms.

HB 739, relative to theselection of engineers and architects.

HB 788, relative to a warranty bond for automobiles sold in this state.

HB 802, permitting the city of Franklin to suspend the verification of the checklist and ratifying the verification and updating of the checklist by the city of Nashua.

HB 388, relative to conducting aerial photographic surveys and obtaining aerial photographs and making an appropriation therefor.

HB 390, providing for the care and treatment of children with end-stage kidney disease and making an appropriation therefor.

HB 617, pertaining to non-resident students at the university of New Hampshire.

HB 649, authorizing tests on the bodies of certain motor vehicle accident fatalities to determine the content of alcohol in their blood.

HB 661, providing for persons sixty-five years or older, to apply for a tax lien on real estate.

HB 760, to authorize towns to appropriate money for programs on the aging.

HB 862, providing for unemployment compensation to persons refusing to work the third shift for good cause.

SB 88, relative to professional mental health evaluations of minors.

SB 89, providing for vested benefits for teacher members of group I who terminate after completing ten years of creditable service payable in accordance with the applicable service retirement benefits formula and making an appropriation therefor.

SB 107, providing full creditation for teacher members of

group I under the New Hampshire retirement system and making an appropriation therefor.

Sen. Provost  
*For The Committee*

### VETO MESSAGE

To the Honorable Members of the General Court:

I regretfully return herewith Senate Bill 96, entitled "An Act to provide for the citizen's right to sue to protect against damage to the environment," without my approval as provided in Section 44, Part II of the Constitution, for the following reasons.

1. This bill comes at a most inopportune time in the history of our state and nation as its effect, if law, would be to cause undue delays in the production of energy and the construction of highways.

2. To build an oil refinery or a nuclear plant in New Hampshire now requires the action of ten or more boards, commissions and hearing agencies which are not only adequate to protect the public, but if not relaxed in some technical areas will make it impossible for New Hampshire to move progressively forward on the energy front.

3. This bill would make it possible for any citizen or taxpayer to bring an environmental action in our courts without having to show special harm to himself or property.

4. It could clog our court dockets, already overburdened with cases, with a host of new and costly actions.

5. The faithful execution of our state laws is a constitutional responsibility of the Governor, therefore, the relief sought by this bill is unnecessary.

6. It is said that similar legislation is recommended by the American Bar Association. As a member of 36 years in good standing in that association, I know from long experience that often positions taken by the Association are not necessarily good for our people.

7. With a growing gasoline shortage and the real possibility of homes and institutions on short supply with heating oil, gas and electricity next winter we should be enacting legislation that will help us produce more energy not curtail it.

I sincerely hope that upon further consideration the Honorable Members will reject Senate Bill 96 by sustaining this veto.

Meldrim Thomson, Jr.

June 23, 1973

Sen. PORTER: Mr. President, I urge the Senate to override the veto of SB 96. This bill passed both the Senate and the House. It was first introduced back in 1971 as SB 293. Both bills were referred to Judicial Council for review. The bill provides for some restraint against unreasonable lawsuits.

Sen. Porter requested a roll call seconded by Sen. Blaisdell.

Yeas: Sen. Preston.

Nays: Lamontagne, Poulsen, S. Smith, Bradley, Green, Jacobson, Spanos, Nixon, Blaisdell, Trowbridge, Porter, McLaughlin, Claveau, R. Smith, Sanborn, Provost, Brown, Bossie, Johnson, Downing and Foley.

Result: Yeas 1, Nays 21.

Veto fails.

## RECESS

## OUT OF RECESS

### NON-CONCURRENCE BY HOUSE AND REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1036, providing for all federal enclaves in the state to be single districts for school purposes.

The Speaker has appointed as members of said committee on the part of the House Reps. French, Cotton, A. C. Jones and P. McEachern.

On motion by Sen. S. Smith the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee, Sens. S. Smith, Green and Foley.

HB 798, dealing with unemployment compensation.

The Speaker has appointed as members of said committee on the part of the House Reps. S. Merrill, Stevenson, Skinner and D. Lynch.

On motion by Sen. Green the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee, Sens. Green, Downing and Bossie.

HB 878, relative to the definition of parent for the purpose of defining eligibility for aid to families with dependent children; providing for verification and investigation of eligibility of applicants for aid to families with dependent children; actions against absent parent; and requiring recipients of aid to families with dependent children to actively seek employment and making an appropriation therefor.

The Speaker has appointed as members of said committee on the part of the House Reps. Ferguson, Piper, H. Wilson and M. Sullivan.

On motion by Sen. Bossie the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee, Sens. Bossie, Bradley and Porter.

HB 755, conferring immunity from civil suit on municipal executives acting in their official capacity.

The Speaker has appointed as members of said committee on the part of the House Reps. Nutting, G. Wiggins, Close and Buckley.

On motion by Sen. Bradley the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee, Sens. Bradley, Poulsen and Blaisdell.

HB 637, eliminating required tax escrow funds on certain savings bank mortgage loans and providing for payment of interest on all escrow accounts.



The Speaker has appointed as members of said committee on the part of the House Reps. Deoss, Helie, E. Wiggin and Nims.

On motion by Sen. Poulsen the Senate voted to accede to the request of a committee of conference.

Adopted.

The Chair appointed as members to said committee, Sens. Poulsen, McLaughlin and Ferdinando.

HB 293, relative to exemptions available for the New Hampshire property tax.

The Speaker has appointed as members of said committee on the part of the House Reps. Sayer, Nutt, Hall, and Nardi.

On motion by Sen. Downing the Senate voted to accede to the request of a committee of conference.

Adopted.

The Chair appointed as members to said committee, Sens. Downing, Green and Foley .

HB 923, enacting new salary grades for all classified and unclassified employees and establishing uniform overtime for classified employees.

The Speaker has appointed as members of said committee on the part of the House Reps. McLane, Huot, R. O'Connor and Ferguson.

On motion by Sen. S. Smith the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. Jacobson, Blaisdell and Johnson.

HB 912, conforming state pollution control statutes to the federal requirements.

The Speaker has appointed as members of said committee on the part of the House Reps. Kopperl, Williamson, Page and Tanner.

On motion by Sen. Porter the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. Porter, Foley and Brown.

HB 508, creating centralized land acquisition procedures; establishing a natural heritage conservation fund, making an appropriation therefor, and authorizing the issuance of bonds for such fund.

The Speaker has appointed as members to said committee on the part of the House Reps. Ferguson, Williamson, Rogers and Lint.

On motion by Sen. Jacobson, the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. Jacobson, Gardner and Lamontagne.

HB 141, relative to modification of the business profits tax.

The Speaker has appointed as members of said committee on the part of the House Reps. Nutt, S. Townsend, Cunningham and Huot.

On motion by Sen. Downing the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. Downing, Preston and Green.

HB 463, establishing a sire stakes program and a standard-bred breeders and owners development agency.

The Speaker has appointed as members of said committee on the part of the House Reps. Raymond, R. Chase, Daniels and Coutermarsh.

On motion by Sen. Green the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. Green, Spanos and Porter.

HB 509, to increase the salaries of state classified employees and making an appropriation therefor.

The Speaker has appointed as members of said committee on the part of the House Reps. McLane, Huot, Charles Roberts and Weeks.

On motion by Sen. S. Smith the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. S. Smith, R. Smith and Provost.

HB 657, establishing a multi-use statewide trail system.

The Speaker appointed as members on the part of the House: Reps. Tilton, Ladd, Lefebvre and Hough.

Sen. Brown moved the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee: Sens. Brown, Blaisdell and Preston.

#### HOUSE ADOPTION OF ENROLLED BILLS AMENDMENTS

HB 775, relative to retail sales agreements.

HB 653, providing for trial of certain misdemeanors by six member juries.

HB 959, relative to investment of funds by treasurers of municipalities, counties, and school districts.

HB 1051, amending the charter of the city of Somersworth relative to abolishing the police commission, the appointment of the police chief and the composition of the school board.

HB 720, relative to amending the RSA by deleting the word "poll" and substituting where applicable the word "resident."

HB 955, relative to the sale of liquor and alcoholic beverages by restaurant cocktail lounges.

SB 51, to provide workmen's compensation benefits to all persons who assist in fighting forest fires or any fires under the direction of firefighting personnel authorized to give direction.

HOUSE NON-CONCURRENCE WITH  
AMENDMENT TO

HB 142, relative to zoning law procedure.

HOUSE ADOPTION OF COMMITTEE OF  
CONFERENCE RECOMMENDATIONS TO

HJR 30, relative to the purchase of fire trucks for the city of Concord and Keene and making an appropriation therefor.

HB 671, prohibiting the use of petroleum powered motorboats on Willard Pond in Antrim.

HB 33, requiring poultry and meat slaughterhouses and processing plants to pay the cost of inspections conducted outside of regular business hours and providing overtime pay for employees of the Department of Agriculture.

HOUSE CONCURRENCE WITH  
AMENDMENTS TO

HB 7, providing that resident persons who have attained the age of sixty-five shall be admitted without charge to certain state recreational areas and allowed the use of facilities therein without charge.

HJR 37, providing for 1975 World Cup Championship at Cannon Mountain and making an appropriation therefor; making an appropriation for the city of Manchester for promotion of Babe Ruth World Series; and making an appropriation to reimburse Judith Cabanel for damage to clothing.

HB 269, relative to diseases characteristic of the occupation of firefighting.

HB 633, relative to the maximum amounts of group life insurance for employees.

HB 179, providing that the salaries of registers of deeds of all counties except Coos and Carrol be a fixed amount and all fees for their services be paid to the respective county treasurer, and providing special provisions for registers of deeds of Coos and Carroll Counties and providing for an increase in the mileage allowance for sheriffs and deputies of certain counties.

HB 1023, providing that failure to comply with requirements for notice of, and holding of, a public hearing of the county budget shall constitute prima facie evidence of wilful neglect of duty.

HB 514, relative to representative school district voting rights in supervisory union matters.

HB 247, relative to a two lane extension of the Spaulding Turnpike.

HB 10, relative to the registration and operation of off highway recreational vehicles and making an appropriation therefor.

HB 935, to clarify forms of voter intimidation.

HB 148, relative to furnishing generic as well as brand names of prescription drugs.

HB 485, prohibiting a motion for reconsideration on bond or note issues of over one hundred thousand dollars.

HB 539, establishing civil procedures relating to the admission and treatment of the mentally ill and making an appropriation therefor.

#### HOUSE CONCURRENCE WITH REQUEST FOR COMMITTEE OF CONFERENCE ON

SB 130, to indemnify officers and employees of municipalities fund school districts from liability for damages, and to allow insurance coverage for the liability.

The Speaker has appointed as members of said committee on the part of the House Rep. Nutting, G. Wiggins, Close and Buckley.

SB 112, relative to neglected, delinquent and abused children.

The Speaker has appointed as members of said committee on the part of the House Reps. Beaulieu, Goodrich, Thompson and George Gordon.

SJR 8, relative to retirement credit for Mary S. Downey.

The Speaker has appointed as members of said committee on the part of the House Reps. Weeks, Bell, Casassa, and C. E. Howard.



SB 165, providing for per diem and expenses for state council on aging and for expenses for state commission on the status of women.

The Speaker has appointed as members of said committee on the part of the House Reps. Esther Davis, J. Goff, McLane and Gallen.

SB 76, relative to tuition payments for handicapped children and making an appropriation therefor.

The Speaker has appointed as members of said committee on the part of the House Reps. Ferguson, Huot, W. Kidder and Cecelia Winn.

#### ENROLLED BILLS AMENDMENTS TO

HB 703, to transfer or repeal all title LVIII (crimes and offenses) except Chapters 570-A, 571-B and 585 and to change its title; and to permit the courts to provide for psychiatric examinations by other physicians than those at the New Hampshire Hospital.

(See House Journal)

Amendment Adopted.

HB 887, relating to salaries of district court justices, and to fees in civil cases in district courts.

#### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relating to salaries of district court justices.

Amendment Adopted.

SB 172, relative to the marine fisheries fund.

Sen. R. Smith moved that the Senate concur with the House amendment.

#### AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

AN ACT  
relative to marine fisheries revenue.

Amendment Adopted.

HB 975, relative to the use of recording devices in superior and district court.

Sen. R. Smith moved that the Senate concur with the amendment.

AMENDMENT

Amend section 2 of the bill by striking out the first four lines and inserting in place thereof the following:

2 Use of Recording Devices in District Court. Amend RSA 502-A by inserting after section 27-c the following new section:

502-A:27-d Use of Recording Devices. Upon petition by  
Amendment Adopted.

HB 843, establishing a postsecondary education commission to absorb the coordinating board of advanced education and accreditation and the New Hampshire higher education facilities commission.

Sen. R. Smith moved that the Senate concur with the amendment.

AMENDMENT

Amend RSA 188-D:2, VI as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

University Council, who shall be a resident of New Hampshire and whose term shall expire upon graduation or change of status from a full-time student;

Amendment Adopted.

SB 268, conforming civil actions commenced by attachment and/or trustee process to constitutional due process limitations and providing for a study of current attachment procedures by the judicial council.

Sen. R. Smith moved that the Senate concur with the amendment.

## AMENDMENT

Amend RSA 511-A:1 as inserted by section 1 of the bill by striking out in line two the letters and numbers "RSA 536" and inserting in place thereof the following (replevin actions), so that it reads as follows:

provided in replevin actions, a defendant shall be given notice and an opportunity for

Amendment Adopted.

## ENROLLED BILLS REPORT

HB 869, creating enabling legislation to permit a local option homeowners' exemption applied to property taxes upon approval by referendum.

HB 876, relative to the use of sewer rents, hook-ups or betterment charges.

Sen. Provost  
*For The Committee*

HOUSE REQUEST FOR COMMITTEE  
OF CONFERENCE

HB 888, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975.

The Speaker has appointed as members of said committee on the part of the House Reps. Drake, Zachos, Ferguson, Huot, and John Goff.

Sen. SPANOS: Mr. President, I cannot support the recall of HB 888. The lines have been drawn as a result of the Chief Executive, who is more interested in politics than he is in people, and ironically he ran on the issue of people above politics. I think that we should submit the budget as the conference committee evolved it and let the Governor veto it as he deems expedient.

Sen. FERDINANDO: Senator Spanos, do I understand that what you are urging us to do is to not give any consideration to come up with some sort of a compromise?

Sen. JACOBSON: I say this only because of the debate that

took place several days ago in which we voted that there was hardly any areas of compromise with the Governor and in the areas that there was compromise we did.

Sen. R. SMITH: Senator Spanos, did not the committee of conference on the budget speak with the Governor at the time that they were considering the committee of conference report?

Sen. SPANOS: Yes, sir.

Sen. R. SMITH: And did not the Senate Finance Committee meet with representatives of the Governor's office when they were considering HB 888?

Sen. SPANOS: Yes.

Sen. LAMONTAGNE: I want to state my reason why that I favor the veto. When I voted not to accept the budget, as the executive asked us to review the budget further, I thought that that should be done. I feel that HB 888 should be recalled.

Sen. SPANOS: Senator Lamontagne, one of the areas which the Governor is recommending being cut is in the university of New Hampshire system. That will be one of his recommendations. Are you willing to cut one million from the University system?

Sen. LAMONTAGNE: This would only be asking the Governor to appear before all of us.

Sen. TROWBRIDGE: I'd just like to say that I will vote to recall on the theory that we might as well go the last step. I am going to favor that we have a system whereby the committee of conference can be instructed by the Senate as a whole.

Sen. S. SMITH: I rise with grave misgivings and with reluctance to support the motion to set up a committee of conference.

Sen. JACOBSON: Mr. President, I would have to say that to some extent I would have to agree with Senator Spanos that we are probably put in a weaker position with regards to the Governor and we wouldn't be if we had worked to achieve some sort of compromise a little earlier. Secondly I'd like to say I am opposed to what the Governor says that he wanted a seven million dollar cut. I don't believe that is in the interest of the state. I have been denominated in the Concord Monitor as the Gov-

ernor's spokesman and I am not. I have tried to keep the door open in terms of trying to achieve some sort of compromise.

Sen. NIXON: Mr. President and members of the Senate, in view of the questions asked, I would like to have the privilege of stating to the Senate my own views on the pending situation. It's no secret that we have been offended, shocked and dismayed by the attitude of the Governor in his television speech last night. I think that we should treat each other with dignity, decency and courtesy and in the short time that we have, do what we can to resolve the large and small problems that face us. In that view, I feel that we should accede to the request that the bill be recalled and that the committee of conference be reinstated. And it was my further view that the House and Senate conferees hold public hearings on HB 888 in Representatives Hall. And that they cordially invite the Governor.

Sen. DOWNING: Mr. President, I'd just like the Senate to know that I appreciate the President of the Senate's views and I agree with them wholeheartedly.

Sen. LAMONTAGNE: I made the motion to accept the recommendation of the House.

Sen. BLAISDELL: Senator Lamontagne, you are asking me to be there at eight o'clock tomorrow morning? Are you sure that the Governor will be there?

On request by Senator Lamontagne the Senate voted by Roll Call requested by Senator Blaisdell and seconded by Senator Downing to accede to the request for a committee of conference.

Yeas: Lamontagne, Poulsen, S. Smith, Gardner, Bradley, Jacobson, Nixon, Trowbridge, Porter, McLaughlin, Ferdinando, Sanborn, Provost, Brown, Bossie, Johnson, Downing and Preston.

Nays: Sens. Green, Spanos, Blaisdell, Claveau, R. Smith, and Foley.

Result: Yeas, 18; Nays, 6.

Motion adopted.

The Chair appointed as members to said committee Sens. Trowbridge, Foley and Green.

Adopted.



Sen. Bradley moved "Be it resolved that the Senate members on the conference committee on HB 888 be instructed not to agree to any cut in the budget without first taking the sense of the Senate with respect to such cut".

Sen. DOWNING: Senator Bradley, did you intentionally use the word cut there or did you want to use the word change?

Sen. BRADLEY: I was really worrying about cut.

Sen. Downing moved that the word "cut" be changed to "change".

Adopted.

#### HOUSE ADOPTION OF ENROLLED BILLS AMENDMENTS

HB 703, an act to transfer or repeal all of title LVIII (crimes and offenses) except Chapters 570-A, 571-B and 585 and to change its title; and to permit the courts to provide for psychiatric examinations by other physicians than those at the New Hampshire Hospital.

HB 887, relating to salaries of district court justices, and to fees in civil cases in district courts.

SB 172, relative to the marine fisheries fund.

HB 975, relative to the use of recording devices in superior and district courts.

HB 843, establishing a postsecondary education commission to absorb the coordinating board of advanced education and accreditation and the New Hampshire higher education facilities commission.

#### RECESS OUT OF RECESS

#### COMMITTEE OF CONFERENCE REPORT

SB 211, prohibiting the use of fin fish entrapment devices in ocean waters.

(See House Journal)

Sen. Blaisdell moved the adoption of the committee of conference report.

Adopted.

### ENROLLED BILLS AMENDMENTS TO

HB 611, revising statutes outside the criminal code imposing fines of fifty dollars or less which under the code constitute violations.

Sen. R. Smith moved that Senate concur with the amendment.

### AMENDMENT

Amend section 53 of the bill by striking out the same and inserting in place thereof the following:

53 Failure to File Trapping Report. Amend RSA 210:22 (supp) as inserted by 1969, 93:1 by striking out said section and inserting in place thereof the following: 210:22 Penalty. A person who fails to make the report provided for in RSA 210:21 shall be guilty of a violation, and may be refused a license in the next succeeding trapping season in the discretion of the director.

Amend section 161 of the bill by striking out the same and inserting in place thereof the following:

161 Effective Date. This act shall take effect at 11:59 p.m., October 31, 1973.

Amendment Adopted.

HB 610, relative to revisions of existing statutes imposing fines over fifty and not more than one hundred dollars which constitute violations for natural persons and misdemeanors for any other persons under the provisions of the criminal code.

Sen. R. Smith moved that the Senate concur with the amendment.

### AMENDMENT

Amend section 7 of the bill by striking out the same and inserting in place thereof the following:

7 Penalty for Misconduct Relative to Voluntary Mental

Health Commitment. Amend RSA 135:22 (supp) , as amended, by striking out said section and inserting in place thereof the following: 135:22 Voluntary Commitment; Penalty. Pursuant to rules and regulations established by the superintendent of the New Hampshire Hospital, the hospital may receive and detain therein as a patient any person suitable for care and treatment, who voluntarily makes written application therefor on a form prescribed by the superintendent, or if such person be under eighteen years of age such written application shall be made by the parent or legal guardian or person standing in loco parentis of such person. In the discretion of the superintendent of the New Hampshire Hospital such patient may be detained for the purpose of care and treatment until fifteen days after receipt of notice in writing from such patient of his intention or desire to leave the hospital, or if such patient be under eighteen years of age, until fifteen days after receipt of notice in writing, stating such intention or desire of the parent or legal guardian or person standing in loco parentis of such patient; provided, however, that such notice in writing shall in no event effect a release of such patient until sixty days from his admission to the hospital. Charges for the support of such patient at the hospital shall be governed by recommendations of the division of investigation of accounts of the department of administration and control. Any person violating the provisions of this or the preceding sections shall, if a natural person, be guilty of a violation, and any other person shall be guilty of a misdemeanor.

Amend section 62 of the bill by striking out line eleven.

Amend section 65 of the bill by striking out the same and inserting in place thereof the following:

65 Effective Date. This act shall take effect at 11:59 p.m., October 31, 1973.

Amend the bill by striking out section 58 and by renumbering sections 59 through 65 so that the original section 59 becomes section 58 and all remaining sections are numbered consecutively.

Amendment Adopted.

HB 609, relative to revision of existing statutes imposing only fines above one hundred dollars which constitute misde-

meanors for natural and any other persons, and above two hundred dollars constitutes a felony for any other person under the provisions of the criminal code.

Sen. R. Smith moved that the Senate concur with the amendment.

### AMENDMENT

Amend section 38 of the bill by striking out the same and inserting in place thereof the following:

38 Public and Private Schools. Amend RSA 189:10, as inserted by 1959, 130:1, by striking out said section and inserting in place thereof the following:

189:10 Studies. The school board shall see that the studies prescribed by the state board are thoroughly taught, especially physiology and hygiene insofar as it relates to the effect of alcohol and other drugs and venereal diseases on the human system. In all public and private schools in the state there shall be given regular courses of instruction in the constitutions of the United States and of this state and also in the Declaration of Independence. Any member of the school board who neglects or refuses to comply with the provisions of this section shall be guilty of a misdemeanor.

Amend section 40 of the bill by striking out the same and inserting in place thereof the following:

40 Wild Life Protection. Amend RSA 208:4-a (supp) as inserted by 1969, 53:1, by striking out said section and inserting in place thereof the following:

208:4-a Protection of Herd. Notwithstanding the provisions of RSA 208:2 or any other provision of the law, the director of fish and game, whenever he shall deem such action necessary to protect and conserve the deer herd of the state and upon receiving the consent of the fish and game commission, shall have the authority to close any section of the state to hunting and taking deer. Any person hunting and taking deer from an area of the state closed to such hunting and taking hereunder shall be guilty of a misdemeanor, and any other person shall be guilty of a felony.

Amend section 133 of the bill by striking out the same and inserting in place thereof the following:

133 Effective Date. This act shall take effect at 11:59 P.M., October 31, 1973.

Amend the bill by striking out sections 25 and 113 and by renumbering sections 26 through 133 so that the original section 26 becomes 25 and all remaining sections are numbered consecutively.

Amendment Adopted.

HB 608, relative to revision of existing statutes which constitute misdemeanor and felonies under the provisions of the criminal code.

Sen. R. Smith moved that the Senate concur with the amendment.

#### AMENDMENT

Amend section 316 of the bill by striking out the same and inserting in place thereof the following:

316 Penalty for Neglect by Mother. Amend RSA 460:24, as amended by striking out said section and inserting in place thereof the following:

460:24 Neglect by Mother. If any mother shall neglect to provide for her legitimate children or any children born to her while she is unmarried, she shall be guilty of a misdemeanor. The fine, if any, to be paid or applied in whole or in part to the support of such children as the court may direct.

Amend section 327 of the bill by striking out the same and inserting in place thereof the following:

327 Effective Date. This act shall take effect at 11:59 P.M., October 31, 1973.

Amend the bill by striking out sections 73, 93, 95, 104 and 146 and by renumbering sections 74 through 327 so that the original section 74 becomes section 73 and all remaining sections are numbered consecutively.

Amendment Adopted.

HB 851, providing for an emergency temporary zoning and planning ordinance and for the adoption of same in emergencies.

Sen. R. Smith moved that the Senate concur with the amendment.



## AMENDMENT

Amend section 1 of said bill by striking out the first three lines and inserting in place thereof the following:

1 Adoption of Interim Zoning Ordinance. Amend RSA 31 by inserting after section 102, as inserted by an act passed at this session, the following new section.

31:103 Interim Zoning Ordinance. In any town which does not have a planning

Amendment Adopted.

## COMMITTEE OF CONFERENCE REPORT

HJR 47, providing for a legislative committee to study the means of implementing a furlough system at the New Hampshire State Prison and providing for indemnification of state prison personnel in connection with claims by inmates.

## COMMITTEE OF CONFERENCE REPORT HJR 47

The committee of conference to which was referred HJR 47, Joint Resolution providing for a legislative committee to study the means of implementing a furlough system at the New Hampshire State Prison and providing for indemnification of state prison personnel in connection with claims by inmates, having considered the same, reports the same with the following recommendation:

That the House of Representatives recede from its position of nonconcurrence in the Senate amendments and adopt the Senate amendments and the House and Senate each pass the bill as amended by the Senate.

Sen. John H. McLaughlin, District 13

Sen. Roger A. Smith, District 15

Sen. David H. Bradley, District 5

Conferees on the Part of the Senate

Rep. Cleon E. Heald, Cheshire 14

Rep. Caroline N. Zechel, Hillsborough 17

Rep. Anthony A. McManus, Strafford 17

Rep. Robert B. Buckley, Jr., Sullivan 4

Conferees on the Part of the House

Sen. McLaughlin moved that the Senate adopt the Committee of Conference report.

Adopted.

### ENROLLED BILLS REPORT

HB 218, permitting the sale of sweepstake tickets and authorizing incentive awards to ticket sellers.

HB 653, providing for trial of certain misdemeanors by six member juries.

HB 720, relative to amending the RSA by deleting the word "poll" and substituting where applicable the word "resident".

HB 775, relative to retail sales agreements.

HB 883, relative to the powers of county commissioners.

HB 955, relative to the sale of liquor and alcoholic beverages by restaurant-cocktail lounges.

HB 959, relative to investment of funds by treasurers of municipalities, counties and school districts.

HB 1018, abolishing certain classified and unclassified positions at the New Hampshire hospital, eliminating free maintenance for all authorized positions at the New Hampshire hospital and establishing new unclassified positions and salary ranges.

HB 1051, amending the charter of the city of Somersworth relative to abolishing the police commission, the appointment of the police chief and the composition of the school board.

SB 51, to provide workmen's compensation benefits to all persons who assist in fighting forest fires or any fires under the direction of fire-fighting personnel authorized to give direction.

SB 245, relative to the duties of the state treasurer, the director of the division of accounts and the department of centralized data processing and relative to the lapsing of appropriations.

HB 964, relative to certain exemptions from filing plans and specifications of sewage disposal systems.

HB 433, increasing the state's payment of group hospital and medical insurance for state employees and to provide ordinary death benefits for certain group I members of the New Hampshire retirement system.

SB 61, relative to workman's compensation for state employees; creating a workmen's compensation review commission for state employees and making an appropriation therefor.

SB 137, establishing a state historic preservation office; and making an appropriation therefor.

SB 152, relative to liquidity requirements of building and loan associations, cooperative banks, and savings and loan associations.

SB 159, permitting the water supply and pollution control commission to continue minimum algae control effort in the surface waters of the state, and making an appropriation therefor.

SB 265, relative to witness fees for law enforcement officials.

SB 202, relative to the construction of Dover-Somersworth interchange number nine of the Spaulding Turnpike and making an appropriation therefor.

SB 267, relative to dual enrollment and child benefit services.

Sen. Provost  
*For The Committee*

#### HOUSE NONCONCURRENCE AND REQUEST FOR COMMITTEE OF CONFERENCE ON

HB 811, making appropriations for capital improvements.

The Speaker has appointed as members of said committee of conference on the part of the House Reps. Raymond, A. Mann, W. Kidder and Belair.

On motion by Sen. R. Smith the Senate voted to accede to the request of the House.

Adopted.

The Chair appointed as members to said committee Sens. R. Smith, Spanos, and Trowbridge.

The Chair revoked its order whereby it appointed as conferees to HB 798 Sens. Green, Downing and Bossie and appointed Senator Brown instead of Senator Green. The conferees are Sens. Brown, Downing and Bossie.

The Chair revoked its order whereby it appointed Sens. Gardner, Foley and R. Smith to SB 165 and appointed as members to said committee Sens. Foley, S. Smith and R. Smith.

#### RECEIVE FROM HOUSE REQUEST COMMITTEE OF CONFERENCE

HB 810, establishing a legislative facilities committee; and making an appropriation therefor.

The Speaker has named as House members of the committee Reps. O'Neil, G. Roberts, E. Davis, R. Plourde.

On motion by Sen. R. Smith the Senate voted to accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee on the part of the Senate, Sens. R. Smith, Spanos and Trowbridge.

#### HOUSE NONCONCURRENCE AND REQUEST FOR A COMMITTEE OF CONFERENCE

HB 20, removing the requirement of public convenience and necessity for common carriers by motor vehicles.

The Speaker has appointed as members of said committee on the part of the House Reps. Richard Bradley, G. Gordon, D'Amante, and A. C. Jones.

Sen. McLaughlin moved that the Senate accede to the request for a committee of conference.

Adopted.

The Chair appointed as members to said committee Sens. McLaughlin, Sanborn and S. Smith.

#### COMMITTEE OF CONFERENCE

HB 836, expanding the jurisdiction of the Public Utility Commission to regulate water companies as public utilities, except for municipal water companies.

## COMMITTEE OF CONFERENCE REPORT HB 836

The committee of conference to which was referred HB 836, An Act expanding the jurisdiction of the public utility commission to regulate water companies as public utilities, except for municipal water companies, having considered the same, report the same with the following recommendations:

That the House of Representatives recede from its position of nonconcurrence in the Senate amendment and the Senate recede from its position in adopting its amendment and the House and Senate each adopt the following amendment to the bill.

Amend section 2 of the bil by striking out said section and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Sen. Thomas J. Claveau  
Sen. Andrew Poulsen  
Sen. Delbert F. Downing  
Conferees on the Part of the Senate

Rep. John Hoar  
Rep. Peter C. Hildreth  
Rep. Leo R. Bernier  
Rep. Stephen M. Duprey  
Conferees on the Part of the House

Sen. Claveau moved that the Senate concur with the Committee of Conference Report.

Adopted.

Sens. McLaughlin, Sanborn, Provost, Gardner, Johnson, Downing and Preston moved the Senate adjourn at 5:30 p.m. until tomorrow at 10:00 a.m.

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*Wednesday, 27Jun73*

The Senate met at 10:00 a.m.

A quorum was present.

Prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Help us, Oh God! For we are weighted down with opposition, which we felt, after lengthy consideration, were necessary for this state.

Grant, that the confrontations which exists, will be resolved, in the light of the needs, for all our people.

Guide us in our decisions.

All this we ask in Thy name. Amen.

Pledge of Allegiance was led by Sen. David H. Bradley.

#### HOUSE MESSAGES

#### HOUSE CONCURRENCE WITH REQUEST FOR COMMITTEE OF CONFERENCE TO

SJR 19, making an appropriation for the planning and design of the proposed Alan B. Shepard state park in Derry.

The Speaker has appointed as members of said committee on the part of the House Reps. Claffin, Williamson, Senter and Belair.

SB 149, relative to the location of hearings for proposed electric power plant and major transmission siting.

The Speaker has appointed as members of said committee on the part of the House Reps. Greene, Colburn, D. O'Neil and Barrus.

#### HOUSE CONCURRENCE WITH AMENDMENTS TO

HB 784, relative to hawkers and peddlers and street sales.

#### ENROLLED BILLS AMENDMENT

SB 111, providing for the merger of the New Hampshire

Teachers' Retirement System into the New Hampshire Retirement System and the protection of the benefits of all persons affected thereby.

### AMENDMENT

Amend section 2 of said bill by striking out the first five lines and inserting in place thereof the following:

2 Termination of the New Hampshire Teachers' Retirement System. Amend RSA 100-A by inserting after section 35 the following new section:

100-A:36 Termination of the New Hampshire Teachers' Retirement System. Effective July 1, 1973, the New Hampshire teachers' retirement system as provided under RSA 192:1-29 shall cease to exist as an operating retirement

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3 Repeal. RSA 192:1-29, inclusive, as amended, relative to the New Hampshire teachers' retirement system, is hereby repealed.

Sen. R. Smith moved that the Senate concur with the House amendment.

Amendment Adopted.

SB 244, to reorganize the present fire service training program.

### AMENDMENT

Amend section 1 of the bill by striking out the first four lines and inserting in place thereof the following:

1 Training of Fire Fighters. Amend RSA by inserting after RSA 154-A the following new chapter:

#### Chapter 154-B

Amend RSA 154-A:1, 2, 3, 4, 5, 6, 7 and 8 as inserted by section 1 by renumbering

154-B:1	154-B:2	154-B:3	154-B:4	154-B:5	154-B:6
154-B:7	154-B:8				

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Repeal. RSA 154-A, as amended is hereby repealed.

3 Effective Date. This act shall take effect sixty days after its passage.

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

SB 248, authorizing the governor to enter into a contract with Schools of Dental Medicine to guarantee openings for qualified New Hampshire students and making an appropriation therefor.

#### AMENDMENT

Amend section 1 of the bill by striking out the first three lines of same and inserting in place thereof the following:

1 New chapter. Amend RSA by inserting after chapter 200-H the following new chapter:

##### Chapter 200-J

Further amend section 1 by renumbering RSA 200-H:1, 200-H:2, 200-H:3, 200-H:4, 200-H:5, and 200-H:6, to read respectively,

200-J:1    200-J:2    200-J:3    200-J:4    200-J:5    200-J:6

Amend section 2 of the bill by striking out line two and inserting in place thereof the following:

RSA 200-J, as inserted by section 1 of this act shall apply only to recip-

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

#### ENROLLED BILLS REPORT

HB 7, providing that resident persons who have attained the age of sixty-five shall be admitted without charge to certain

state recreation areas and allowed the use of facilities therein without charge.

HB 62, relative to the incorporation of trust companies and savings banks and relative to the establishment of branch banks.

HB 96, providing that alternate members may be appointed to zoning boards of adjustment.

HB 269, relative to diseases characteristic of the occupation of firefighting.

HB 503, establishing an administrative procedures act and making an appropriation therefor.

HB 514, relative to representative school district voting rights in supervisory union matters.

HB 633, relative to the maximum amounts of group life insurance for employees.

HB 935, to clarify certain forms of voter intimidation.

HB 1023, providing that failure to comply with certain requirements relative to the preparation of the county budget shall constitute prima facie evidence of wilful neglect of duty.

SB 155, relative to limitations on the loaning authority of building and loan associations, cooperative banks and savings and loan associations.

SB 156, relative to penalties for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission.

SB 173, providing for legal service corporations which shall offer legal insurance.

SB 237, relative to food programs operated for benefit of elderly on school property.

SB 250, to permit the Barrington school district to withdraw from the Rochester authorized regional enrollment plan.

SB 256, extending the application period for licensed public accountants.

SB 270, to repeal charters of certain corporations.

HJR 30, relative to the purchase of fire trucks for the city of Concord and Keene and making an appropriation therefor.

HJR 37, providing for 1975 World Cup Championship at Cannon Mountain and making an appropriation therefor; making an appropriation for the city of Manchester for promotion of Babe Ruth World Series; and making an appropriation to reimburse Judith Cabanel for damage to clothing.

SJR 16, relative to retirement credit for Ernest W. Weeks to enter the retirement system and receive credit for prior service.

SB 34, relative to requiring certain foreign corporations to file a copy of their corporate charter and a copy of their record of organization with the secretary of state and relative to the content of annual returns of corporations and other associations.

SB 66, to provide for continued monitoring of Old Man of the Mountains rock formation, and making an appropriation therefor.

SB 67, changing the compensation of certain state law enforcement employees.

SB 70, relative to per diem paid monthly to employees of the state police for expenses incurred in the performance and discharge of their duties.

SB 78, relative to representation for neglected and abused children.

SB 90, relative to the termination of parental rights.

SB 100, providing an additional (cost of living) retirement allowance for persons receiving retirement on June 30, 1973.

SB 110, relative to service retirement benefits under the New Hampshire Retirement System.

SB 120, providing that each county must participate in and pay for the commodity food distribution program.

SB 144, providing funds for an increased statewide betterment highway reconstruction program to upgrade existing state highways.

SB 172, relative to marine fisheries revenue.

Sen. Provost  
*For The Committee*



### HOUSE ADOPTION OF COMMITTEE OF CONFERENCE

SB 211, prohibiting the use of fin fish entrapment devices in ocean waters.

### RECESS

### OUT OF RECESS

### HOUSE ADOPTION OF COMMITTEE OF CONFERENCE

SB 75, adopting the uniform management of institutional funds act.

HB 836, expanding the jurisdiction of the public utility commission to regulate water companies as public utilities, except for municipal water companies.

HJR 47, providing for a legislative committee to study the means of implementing a furlough system at the New Hampshire State Prison and providing for indemnification of state prison personnel in connection with claims by inmates.

### COMMITTEE OF CONFERENCE REPORTS

HB 257, relative to the prohibition of certain promotional games at gas stations.

### COMMITTEE OF CONFERENCE REPORT ON HB 257

The committee of conference to which was referred HB 257, An Act relative to the prohibition of certain promotional games at gas stations, having considered the same, report the same with the following recommendation:

That the House of Representatives recede from its position of nonconcurrence in the Senate amendment and adopt the Senate amendments and the House and Senate each pass the bill as amended by the Senate.

Sen. David H. Bradley  
Sen. Delbert F. Downing  
Sen. Clesson J. Blaisdell  
Conferees on the Part of the Senate

Rep. Fred E. Murray  
Rep. Carl F. Altman  
Rep. Anne B. Gordon  
Rep. Doris Thompson  
Conferees on the Part of the House

Sen. Bradley moved that the Senate concur with the Report.

Adopted.

SB 75, adopting the uniform management of institutional funds act.

### COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill No. 75, An Act adopting the uniform management of institutional funds act, having considered the same report the same with the following recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment; and

That the House recede from its position of adopting its amendment; and

That the Senate and House each adopt the following new amendment, and pass the bill as so amended.

Amend RSA 292-B:4, III and IV as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

III. Include all or any part of an institutional fund or all or any part of a pooled income fund (as defined in section 642 (c) (5) of the Internal Revenue Code of 1954 as amended ("the Code")), a charitable remainder annuity trust (as defined in Section 664 (d) (2) of the Code) in one or more pooled or common funds maintained by the institution; and

IV. Invest all or any part of an institutional fund, pooled income fund, charitable remainder annuity trust or charitable remainder antitrust in any other pooled or common fund available for investment, including shares or interests in regulated investment companies, mutual funds, common trust funds, investment partnerships, real estate investment trusts, or similar organizations in which funds are commingled and investment

determinations are made by persons other than the governing board.

Sen. David H. Bradley  
Sen. Robert F. Bossie  
Sen. Alf E. Jacobson  
Conferees on the Part of the Senate

Rep. Milton A. Cate  
Rep. Henry C. Newell  
Rep. John Wilcox  
Rep. Doris L. Thompson  
Conferees on the Part of the House

Sen. Bradley moved that the Senate concur with the Report.

Adopted.

#### HOUSE ADOPTION OF ENROLLED BILLS AMENDMENT TO

HB 611, revising statutes outside the criminal code imposing fines of fifty dollars or less which under the code constitute violations.

HB 608, relative to revision of existing statutes which constitute misdemeanors and felonies under the provisions of the criminal code.

HB 851, providing for an emergency temporary zoning and planning ordinance and for the adoption of same in emergencies.

HB 609, relative to revision of existing statutes imposing only fines above one hundred dollars which constitute misdemeanors for natural and any other persons, and above two hundred dollars constitutes a felony for any other persons under the provisions of the criminal code.

HB 610, relative to revisions of existing statutes imposing fines over fifty and not more than one hundred dollars which constitute violations for natural persons and misdemeanors for any other persons under the provisions of the criminal code.

RECESS

## OUT OF RECESS

## ENROLLED BILLS AMENDMENT

HB 919, relative to the acquisition of a dam and water rights on the Winnepesaukee River by the water resources board.

## AMENDMENT

Amend section 1 by striking out lines 1, 2 and 3 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 482-H the following new chapter:

## Chapter 482-I

Amend RSA 482-G:4 by striking out line 1 and inserting in place thereof the following:

482-I:4 Avery Dam. The money received under RSA 482-I:1 and any other

Amend section 2 by striking out line 6 and inserting in place thereof the following:

and twenty-five thousand dollars received pursuant to RSA 482-I:1 from the

Amend section 1 by striking out section numbers 482-G:1-3 and renumbering said sections to read as:

482-I:1 482-I:2 482-I:3

Sen. R. Smith moved concurrence with the amendment.

Amendment Adopted.

HB 901, relative to the exemptions on real property taxes granted to the blind.

## AMENDMENT

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Increased Exemption. Amend RSA 72:37, as amended by 1973, 285:1, by striking out said section and inserting in place thereof the following:

72:37 Exemption for the Blind. Every inhabitant up to the age of sixty-five years who is legally blind as determined by the blind services department of the vocational rehabilitation division of the education department shall be exempt each year from taxation upon his or her residential real estate to the value of five thousand dollars, provided the value of such residential real estate in this state as assessed by the selectmen does not, exclusive of bona fide encumbrances of record thereon, exceed twenty thousand dollars. Provided that every such inhabitant sixty-five years of age and over shall be granted such exemption regardless of the amount of his equity in his residential real estate. The term "residential real estate" as used herein shall mean the same as defined in RSA 72:29. All applications made under this section shall be subject to the provisions of RSA 72:33 and 72:34.

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

#### COMMITTEE OF CONFERENCE REPORT

HB 834, relative to allowing members of standing and interim committees mileage for attending meetings.

#### COMMITTEE OF CONFERENCE REPORT ON HB 834

The committee of conference to which was referred HB 834, An Act relative to allowing members of standing and interim committees mileage for attending meetings, having considered the same, report the same with the following recommendation:

That the House of Representatives recede from its position of nonconcurrence with the Senate amendment, and the Senate recede from its position of adopting its amendment, and the House and Senate each adopt the following amendment to the bill:

Amend the bill by striking out all after the enacting clause, and inserting in place thereof the following:

1 Legislative Mileage Allowances. Amend RSA 17-D (supp) by inserting after section 5 the following new section:

17-D:6 Interim Mileage. Subject to approval by the pre-



siding officer of the senate or of the house of representatives, or both as the case may be, a senator or a representative shall be reimbursed for mileage at the legislative mileage rate from his home to Concord and return for attendance at an authorized meeting of a standing or special committee of which he shall be a member when such a committee holds an authorized meeting in Concord between regular and/or special sessions of the general court, provided, further, that when such a meeting is held in a place other than Concord, he shall be reimbursed for mileage from his home to said other place at the rate of twelve cents a mile.

2 Effective Date. This act shall take effect upon passage.

Sen. Walworth Johnson

Sen. Ward B. Brown

Sen. Eileen Foley

Conferees on the Part of the Senate

Rep. Milton A. Cate

Rep. Raymond K. Conley

Rep. Henry C. Newell

Rep. Mabel L. Richardson

Conferees on the Part of the House

Sen. Johnson moved that the Senate concur with the Report.

Sen. JOHNSON: Mr. President, this sets up that a Senator or Representative shall be reimbursed for mileage at the regular legislative mileage rate from home to Concord and return for attending an authorized meeting of a standing or special committee in the interim.

Sen. PORTER: Senator Johnson, could you tell me what constitutes an authorized meeting? For example, would I as a chairman of a committee be able to send out notices that there would be a meeting of my committee and that would be an authorized meeting?

Sen. JOHNSON: That's an excellent question and I would like to defer that to someone else.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT

HB 478, permitting the sale of tickets known as lucky

seven at beano games sponsored by charitable organizations subject to rules and regulations established by the sweepstakes commission and payment of a fifteen percent tax.

COMMITTEE OF CONFERENCE REPORT  
ON HB 478

The committee of conference to which was referred HB 478, An Act permitting the sale of tickets known as lucky seven at beano games sponsored by charitable organizations subject to rules and regulations established by the sweepstakes commission and payment of a fifteen percent tax, having considered the same, report the same with the following recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur in the adoption of the Senate amendment; and that the House and Senate each adopt the following amendment to the bill:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

AN ACT

permitting the sale of tickets known as lucky seven at beano games sponsored by charitable organizations subject to rules and regulations established by the sweepstakes commission.

Rep. David O. Huot

Rep. Charles W. Ferguson, Jr.

Rep. Theodora P. Nardi

Rep. Betty B. Hall

Conferees on the Part of the House

Sen. William E. Sanborn

Sen. Delbert F. Downing

Sen. Clesson J. Blaisdell

Conferees on the Part of the Senate

Sen. Sanborn moved that the Senate concur with the Report.

Sen. SANBORN: Mr. President, the only change made by the committee was to drop off the part dealing with the 15% tax.

Adopted.

RECESS  
OUT OF RECESS

ENROLLED BILLS REPORT

HB 608, relative to revision of existing statutes which constitute misdemeanors and felonies under the provisions of the criminal code.

HB 609, relative to revision of existing statutes imposing only fines above one hundred dollars which constitute misdemeanors for natural and any other persons, and above two hundred dollars constitutes a felony for any other persons under the provisions of the criminal code.

HB 610, relative to revisions of existing statutes imposing fines over fifty and not more than one hundred dollars which constitute violations for natural persons and misdemeanors for any other persons under the provisions of the criminal code.

HB 611, revising statutes outside the criminal code imposing fines of fifty dollars or less which under the code constitute violations.

Sen. Provost  
*For The Committee*

ENROLLED BILLS AMENDMENTS

SB 209, relative to free parking in municipal parking areas.

Sen. R. Smith moved that the Senate concur with the amendment.

AMENDMENT

Amend the bill by striking out section 1 of the bill and inserting in place thereof the following:

1 Free Parking in Municipal Parking Areas. Amend RSA 249:4 (supp), as amended by another bill passed this session entitled "providing for certain motor vehicle privileges free to permanent and totally disabled veterans.", by striking out said section and inserting in place thereof the following:

249:4 Free Parking. Any motor vehicle carrying special

license plates issued to paraplegic, amputee or blind war veterans pursuant to RSA 260:17 and RSA 260:18, and any motor vehicle used for a purpose, or by a person, designated by a city council or town meeting, shall be allowed free parking time in any city or town so long as said motor vehicle is under the direct control of the owner. The provisions of this section shall apply to a veteran who, because of a disability incurred in, or aggravated by such service, and upon satisfactory proof that veteran is evaluated by the United States veterans administration to be one hundred percent disabled from such service connected disability and evaluated by them to be individually unemployable.

Amendment Adopted.

HB 179, providing that the salaries of registers of deeds of all counties except Coos and Carroll be a fixed amount and all fees for their services be paid to the respective county treasurer, and that special provisions be made for the registers of deeds of Coos and Carroll counties, and providing for an increase in the mileage allowance for sheriffs and deputies of certain counties.

#### AMENDMENT

Amend section 2 by striking out the first 3 lines and inserting in place thereof the following:

2 Fees. Amend RSA 478 by inserting after section 17-h the following new section:

478:17-i Distribution. Each register of deeds, except of the counties of

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

HB 485, prohibiting a motion for reconsideration on bond or note issues of over one hundred thousand dollars.

#### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to reconsideration of bond or note issues of over one hundred thousand dollars.

Sen. Provost moved that the Senate concur with the amendment.

Amendment adopted.

HB 148, relative to furnishing generic as well as brand names of prescription drugs.

#### AMENDMENT

Amend section 1 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

by inserting after section 6-a the following new section:

146:6-b Generic Names Required. Every physician prescribing by brand

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

HB 818, relative to the administration of the revenue laws.

#### AMENDMENT

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Tax Abatement. Amend RSA 76:16-a, as amended by 1973, 121:1, by striking out said section and inserting in place thereof the following:

76:16-a By Board of Taxation.

I. Application. If the selectmen neglect or refuse so to abate, any person aggrieved, having complied with the requirements of RSA 74, upon payment of an application fee of ten dollars, may, within six months after notice of such tax, and not afterwards, apply in writing to the board of taxation which after inquiry and investigation shall hold a hearing if requested as herein provided and shall make such order thereon as justice requires and such order shall be enforceable as provided hereafter.

II. Notices. Upon receipt of an application under the provisions of paragraph I and the board of taxation shall give notice in writing to the affected town or city of the receipt of the



application by mailing such notice to the town or city clerk thereof by certified mail. Such town or city may request in writing a hearing on such application within thirty days after the mailing of such notice and not thereafter. If a hearing is requested by a town or city the board of taxation shall not less than thirty days prior to the date of hearing upon such application give notice of the time and place of such hearing to the applicant and the town or city in writing. Nothing contained herein shall be construed to limit the rights of taxpayers to a hearing before the board of taxation.

III. Conduct at Hearing. The applicant and the town or city shall be entitled to appear by counsel, may present evidence to the board of taxation and may subpoena witnesses. Either party may request that a stenographic record be kept of the hearing. Any investigative report filed by the staff of the board of taxation shall be made a part of such record.

IV. Rules of Evidence. In such hearing, the board of taxation shall not be bound by the technical rules of evidence.

V. Appeal. Either party aggrieved by the decision of the board of taxation may, within thirty days after notice in writing of the decision of the board of taxation, file notice of appeal to the supreme court specifying all the grounds upon which such party bases his objections. For the purposes of such appeal the findings of fact by the board shall be final and any such appeal shall be limited to questions of law. An election by an applicant to appeal in accordance with this paragraph shall be deemed a waiver of any right to petition the superior court in accordance with RSA 76:17.

VI. Enforcement of Order. A copy of an order of abatement ordered by the board of taxation, attested as such by the chairman of the board of taxation, if no appeal is taken hereunder or under RSA 76:17, may be filed in the superior court for the county or in the Merrimack county superior court at the option of the board and thereafter such order may be enforced as with any final judgment of the superior court.

Amend paragraph III of section 11 of the bill by striking out same and inserting in place thereof the following:

III. Amend RSA 33:7-a as inserted by 1957, 89:1, as amended by 1973, 138:1, by striking out said section and inserting in place thereof the following:

33:7-a Temporary Loans. If a municipality votes to issue bonds or serial notes in accordance with this chapter, or when bonds have been authorized by a county convention, and in the opinion of the commissioner of revenue administration, evidenced by a certificate signed by him, such action was in accordance with the provisions of law in all respects, the officers authorized to issue the same may, in the name of the municipality, or county, make a temporary loan or loans in anticipation of the money to be derived from the sale of such bonds or notes and may issue temporary notes therefor from time to time which are payable not later than one year from their respective dates of issue. Temporary notes issued for a period of less than one year may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed one year. When a temporary loan is made in anticipation of an issue of bonds or serial notes, the payment, equivalent to the amount of principal of such bond or serial note, must commence and end pursuant to the provisions of RSA 33:2. The time for such payments shall be measured from the date of the original note representing the making of the temporary loan.

Amend paragraph XIV of section 11 of the bill by striking out same and inserting in place thereof the following:

XIV. Amend RSA 78:22 by striking out said section and inserting in place thereof the following:

78:22 Administration by Director of Division of Tobacco Products. The administration of this chapter and all duties assigned hereunder to the department of revenue administration may be performed by the director of the division of tobacco products subject to the supervision of the commissioner and to that end, he shall prescribe all necessary forms and rules and regulations not inconsistent with this chapter to carry into effect the provisions hereof. Subject to the approval of the commissioner, the director may use the powers vested in such commissioner by RSA 71-A relating to the attendance of witnesses and the conduct of investigations, in the administration of this chapter.

Amend RSA 78-B:8 as inserted by paragraph XX of section 11 of the bill by striking out line 17 and inserting in place thereof the following:

shall be remitted to the commissioner monthly or oftener. Each register of

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

#### COMMITTEE OF CONFERENCE REPORT

SB 165, providing for per diem and expenses for state council on aging and for expenses for state commission on the status of women.

(See House Journal)

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 257

The committee of conference to which was referred HB 257, An Act relative to the prohibition of certain promotional games at gas stations, having considered the same, report the same with the following recommendation:

That the House of Representatives recede from its position of nonconcurrence in the Senate amendment and adopt the Senate amendment and the House and Senate each pass the bill as amended by the Senate.

Sen. David H. Bradley  
Sen. Delbert F. Downing  
Sen. Clesson J. Blaisdell  
Conferees on the Part of the Senate

Rep. Fred E. Murray  
Rep. Carl F. Altman  
Rep. Anne Gordon  
Rep. Doris Thompson  
Conferees on the Part of the House

Sen. Foley moved that the Senate concur with the report.  
Adopted.

HB 1036, providing for all federal enclaves in the state to be single district for school purposes.

#### COMMITTEE OF CONFERENCE ON HB 1036

The committee of conference to which was referred HB

1036, An Act providing for all federal enclaves in the state to be single districts for school purposes, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrence with the Senate amendments and adopt the Senate amendments and the House and Senate each adopt the following amendment to the bill:

Amend RSA 194:3-a as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

194:3-a Certain Districts May Assess Tuition. A local school district may if federal funds are not appropriated sufficient to cover the cost of educating school age pupils who live on federally owned or leased property, assess tuition up to the state average costs against parents or guardians of said pupils which cover the current per pupil cost of the district, if there are more than one hundred school age pupils within the federal enclaves.

Sen. Stephen W. Smith

Sen. Richard P. Green

Sen. Eileen Foley

Conferees on the Part of the Senate

Rep. Marshall French

Rep. Mary E. Cotton

Rep. Albert C. Jones

Rep. Paul Eachern

Rep. Paul McEachern

Conferees on the Part of the House

Sen. S. Smith moved that the Senate adopt the committee of conference report.

Adopted.

#### HOUSE ADOPTION OF ENROLLED BILLS AMENDMENTS TO

HB 919, relative to the acquisition of a dam and water rights on the Winnepesaukee River by the water resources board.

HB 901, relative to the exemptions on real property taxes granted to the blind.

HB 485, relative to reconsideration of bond or note issues of over one hundred thousand dollars.

SB 209, relative to free parking in municipal parking areas.

HB 179, providing that the salaries of registers of deeds of all counties except Coos and Carroll be a fixed amount and all fees for their services be paid to the respective county treasurer, and that special provisions be made for the registers of deeds of Coos and Carroll counties, and providing for an increase in the mileage allowance for sheriffs and deputies of certain counties.

HB 148, relative to furnishing generic as well as brand names of prescription drugs.

HB 818, relative to the administration of the revenue laws.

#### HOUSE ADOPTION OF COMMITTEE OF CONFERENCE TO

HB 257, relative to the prohibition of certain promotional games.

SB 165, providing for per diem and expenses for state council on aging and for expenses for state commission on the status of women.

HB 478, permitting the sale of tickets known as lucky seven at beano games sponsored by charitable organization subject to rules and regulations established by the sweepstakes commission and payment of a fifteen per cent tax.

#### COMMITTEE OF CONFERENCE REPORT

HB 32, providing for qualification of bridge inspectors, making bridge inspection a prerequisite for application of bridge aid, and requiring state assistance in bridge inspection.

#### COMMITTEE OF CONFERENCE REPORT ON HB 32

The committee of conference to which was referred HB 32, An Act providing for qualification of bridge inspectors, making bridge inspection a prerequisite for application for bridge aid, and requiring state assistance in bridge inspection, having considered the same report the same with the following recommendation:



That the House recede from its position of nonconcurrency with the Senate amendment, and

That the Senate recede from its position of adopting its amendment, and

That the House and Senate each adopt the following new amendment to the bill as amended by the House, and

That the House and Senate each pass the bill as amended by the House and with the following new amendment.

Amend the title of the bill by striking out same and inserting in place thereof the following:

### AN ACT

relative to the inspection of bridges.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Inspection of Bridges on Class I, II and III highways. Amend RSA 242-A:2 (supp) as inserted by 1969, 222:1 by striking out line 2 the words "an annual" and inserting in place thereof the following (a biennial) so that said section as amended shall read as follows:

242-A:2 Bridges on Class I, II and III Highways. The commissioner of public works and highways shall make a biennial inspection of bridges on class I, II and III highways. Records of said inspections shall be kept by the department of public works and highways may employ such assistants, engineers or consulting services as may be necessary to carry out the provisions of this chapter.

4 Effective Date. This act shall take effect July 1, 1973.

Sen. Thomas J. Claveau  
Sen. William E. Sanborn  
Sen. Andrew W. Poulsen  
Conferees on the Part of the Senate

Rep. James A. Saggiotes  
Rep. Michael Saunders  
Rep. Arthur F. Mann  
Rep. Harry C. Parker  
Conferees on the Part of the House

Sen. Claveau moved that the Senate concur with the report.  
Adopted.

### ENROLLED BILLS REPORT

HB 901, relative to the exemptions on real property taxes granted to the blind.

HB 919, relative to the acquisition of a dam and water rights on the Winnepesaukee River by the water resources board.

SB 111, providing for the merger of the New Hampshire Teachers, Retirement System into the New Hampshire Retirement System and the protection of the benefits of all persons affected thereby.

SB 244, to reorganize the present fire service training program.

SB 248, authorizing the governor to enter into a contract with Schools of Dental Medicine to guarantee openings for qualified New Hampshire students and making an appropriation therefor.

HB 33, requiring poultry and meat slaughterhouses and processing plants to pay the cost of inspections conducted outside of regular business hours, and providing for overtime pay for employees of the department of agriculture.

Sen. Provost  
*For The Committee*

### COMMUNICATION

June 27, 1973

The Honorable  
David L. Nixon  
President  
New Hampshire Senate

Dear Dave,

At 10:30 o'clock, Friday, June 29th, Representative Hilda Brungot will be honored at an Appreciation Coffee to be held in the Council Chambers.

All Members of the Senate are cordially invited.

Sincerely,

Meldrim Thomson, Jr.

### ENROLLED BILLS AMENDMENT

SB 92, providing total property tax exemption for all totally disabled veterans of any branch of the armed forces.

Sen. R. Smith moved that the Senate concur with the amendment.

### AMENDMENT

Amend the title of said bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing limited property tax exemption for all totally disabled veterans of any branch of the armed forces.

Amendment Adopted.

HB 940, redistricting the city of Somersworth.

### AMENDMENT

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3 Representative Districts; Somersworth. Amend such part of RSA 66:3, IX (supp) as amended, by striking out the lines

"District No. 6	Somersworth	Ward 1, 4 & 5	2
District No. 7	Somersworth	Ward 2 & 3	3"

and by inserting at the end of said paragraph the following:

District No. 19	Somersworth	Ward 1	1
District No. 20	Somersworth	Ward 2	1
District No. 21	Somersworth	Ward 3	1
District No. 22	Somersworth	Ward 4	1
District No. 23	Somersworth	Ward 5	1

Further amend said bill by striking out section 6 and inserting in place thereof the following:

6 Effective Date. Section 2 of this act relative to the referendum, and section 5 relative to the verification of the checklists of the city of Somersworth, shall take effect upon the passage of this act. If the act is adopted in accordance with the provisions of section 2, the remainder of the act shall take effect on January 1, 1974.

Amend the first line of section 2 of said bill by striking out the same and inserting in place thereof the following:

2 Referendum. The provisions of sections 1, 3 and 4 hereof shall not take effect unless

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

Sen. Johnson moved that we discharge the committee of conference on HB 768.

Adopted.

Sen. Johnson moved that the president appoint a new committee of conference and that the committee consider the proposed amendment.

#### AMENDMENT

1. Withdrawals from Savings Deposits. Amend RSA 386 by inserting after section 20 the following new section:

386:20-a Withdrawals from Savings Deposits. Savings banks, guaranty savings banks and savings departments of banks regulated by the State of New Hampshire are authorized and empowered to allow withdrawals to be made therefrom by the use of third party payment instruments such as negotiable orders of withdrawal or other forms of negotiable instruments as defined in RSA 382-A:3-104. Banks which provide such service shall be subject to the following conditions and limitations:

I. Only natural persons whether acting individually or jointly or as executors, administrators, trustees or guardians or as custodians or agents for other natural persons shall be permitted to maintain said accounts.

II. Any bank offering to its depositors accounts as authorized by this section shall pay to its depositors interest or divi-

dends on such accounts at an annual rate no less than one per cent below the maximum rate of interest or dividends that may be paid upon savings accounts to depositors of national banks and trust companies that are operating within the State of New Hampshire; provided further that whenever the total amount of savings deposits subject to negotiable orders of withdrawal held by any savings bank, guaranty savings bank or savings department of a bank exceeds four per cent of the total deposits held by such bank or savings department, or one million five hundred thousand dollars, whichever is the lesser, the interest or dividends payable by said banks to its depositors on all regular savings accounts shall not exceed the maximum rate of interest or dividends that lawfully may be paid upon savings accounts to depositors of national banks and trust companies that are operating within the State of New Hampshire. The foregoing limitation on payment of interest or dividends by said bank shall not apply to those deposits having a fixed maturity or payment date of over thirty days, including but not limited to those accounts commonly known as 90-day notice accounts, time savings certificates and time certificates of deposit.

III. Any bank offering accounts as authorized by this section shall be subject to the same reserve requirements on such accounts as may from time to time be applicable to demand deposits of other state chartered banks and of trust companies which are not members of the Federal Reserve System.

IV. Any bank offering accounts authorized by this section is specifically prohibited from making any charge to its depositors on such accounts until ten withdrawals or more in each month on a respective account to be charged shall have first occurred.

V. Nothing herein shall be construed to prevent payment from a savings account to be made over the counter or through the mails, subject to the provisions of Paragraph I.

2. Effective Date: This act shall take effect sixty days after its passage.

Adopted.

The Chair appointed as members to said committee on HB 768 Sen. Poulsen, McLaughlin and Sanborn.



## VETO MESSAGE

The House of Representatives has voted, 300-3, that HB 810, establishing a legislative facilities committee; and making an appropriation therefor, shall pass notwithstanding the governor's veto.

Sens. Jacobson and Trowbridge moved that the Senate vote to override the veto.

Sen. R. SMITH: Mr. President, I urge that my colleagues in the Senate will vote not to sustain the veto of the Governor.

Sen. SPANOS: Senator Smith, you indicated in a letter in a communication from the Governor that certain allowances were made by the Speaker of the House relative to how he'd like to see this come out. Do you know of any other plans that were made by the House leadership relative to any other bills that are currently in the Governor's office?

Sen. R. SMITH: No, I do not.

Sen. S. SMITH: In the letter you also indicated that the Governor wanted the right to approve payment of all bills relative to the construction of this courthouse? What if they don't?

Sen. R. SMITH: Then I assume that the bills would not be paid and the project would come to a halt.

Sen. S. SMITH: Even though this is the intent of the legislature?

Sen. R. SMITH: It is my understanding that this is the procedure that is used on all construction projects.

Sen. SPANOS: Senator Trowbridge, I consider you to be an authority in the finance field and I'd like to know do you see any major problems as the bill relates to the Governor and Council approving expenditures?

Sen. TROWBRIDGE: I do not at all.

## ROLL CALL

Yeas: Lamontange, Poulsen, S. Smith,, Gardner, Bradley, Green, Jacobson, Spanos, Blaisdell, Trowbridge, McLaughlin, Claveau, R. Smith, Ferdinando, Sanborn, Provost, Brown, Bos-sie, Johnson, Downing, Preston and Foley.

Nays:

Result: Yeas 22. Nays 0.

Adopted.

### HOUSE REQUESTS CONCURRENCE

The House of Representatives requests the concurrence of the Senate in its action wherein it suspended the joint rules by the necessary two-thirds allowing the introduction, consideration and passage of HB 1054, amending powers of the legislative facilities committee, beyond the deadlines established by the said joint rules.

Adopted by the necessary two-thirds vote.

### SUSPENSION OF RULES

Sen. R. Smith moved that the rules of the Senate be so far suspended as to permit the introduction of HB 1054 without reference to committee, the holding of public hearing and committee report, waiving notice in the Journal, at this time.

Adopted.

HB 1054, amending the powers of the legislative facilities committee.

Sen. R. SMITH: This is a trailer bill that overcomes the objections the Governor and Council had. This relates to two parts of the post office bill which the Governor found objectionable. 1. The blanket authority of committee in charge of the post office project to call upon state departments and agencies. 2. This would allow the Governor and Council to approve payments as discussed previously.

Adopted.      Ordered to third reading.

Sen. Trowbridge moved that we dispense with the referral to Finance.

Adopted.

Sen. Jacobson moved that HB 1054 be placed on third reading and final passage at this time.

Adopted.

## Third reading and final passage

HB 1054, amending the powers of the legislative facilities committee.

Sen. Trowbridge moved reconsideration.

Motion lost.

## SUPREME COURT DECISION

*To the Honorable Senate:*

The undersigned justices of the supreme court submit the following answers to the questions contained in your resolution filed June 20, 1973, relating to House bill 639 as presently amended and also as it would be amended by a proposed senate amendment.

House bill 639 as already amended would empower school districts and cities to authorize by specified votes the voluntary daily recitation in the public schools of the Lord's Prayer and the pledge of allegiance to the flag of the United States.

Amend House bill 639 in its declaration of purpose recites that it is in the public interest to encourage school boards to authorize the recitation of the Lord's Prayer and the pledge of allegiance to the flag in the public schools every day. In furtherance of this purpose, it permits but does not require local enactments authorizing their voluntary recitation. Since the amendment in the senate includes the pledge of allegiance to the flag but does not include the Lord's Prayer, we consider first the constitutionality of encouraging by law a daily recital of the Lord's Prayer in the public schools.

In determining whether amended House bill 639 is constitutional, we are concerned with the guaranty of religious liberty contained in the first amendment to the Constitution of the United States. We are bound in the interpretation of this amendment by the decisions of the Supreme Court of the United States. The significant language of the amendment provides, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." By reason of the fourteenth amendment this provision controls enactments by the states. *Abington School District v. Schempp*, 374 U.S. 203, 10 L. Ed. 2d 844, 83 S. Ct. 1560 (1963).

We find that amended House bill 639 insofar as it encourages and authorizes the recital of the Lord's Prayer in the public schools does not avoid the constitutional difficulties present in a proposed 1967 House bill which mandated morning exercises to include in the discretion of the classroom teacher the use of the Lord's Prayer, and other religious readings. *Abington School District v. Schempp supra*; *Opinion of the Justices*, 108 N.H. 97, 228 A.2d 161 (1967).

In a recent elaboration of the test to be applied to determine whether a law offends the first amendment prohibition on enactments "respecting an establishment of religion", the Supreme Court of the United States speaking through Chief Justice Burger stated:

"In the absence of precisely stated constitutional prohibitions, we must draw lines with reference to the three main evils against which the Establishment Clause was intended to afford protection: 'sponsorship, financial support, and active involvement of the sovereign in religious activity.' *Walz v. Tax Commission*, 397 U.S. 664, 668, 90 S. Ct. 1409, 25 L. Ed. 2d 697 (1970).

"Every analysis in this area must begin with consideration of the cumulative criteria developed by the court over many years. Three such tests may be gleaned from our cases. First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion, *Board of Education v. Allen*, 392 U.S. 236, 243, 88 S. Ct. 1923, 1926, 20 L. Ed. 2d 1060 (1968); finally, the statute must not foster 'an excessive governmental entanglement with religion.' *Walz, supra* at 674, 90 S. Ct. at 1414." *Lemon v. Kurtzman*, 403 U.S. 602, 612, 29 L. Ed. 2d 745, 755, 91 S. Ct. 2105, 2111 (1971).

Tested by these standards amended House bill 639 by encouraging and authorizing the daily recital of the Lord's Prayer in the public schools "sanctions and encourages a religious exercise to be conducted by teachers in the public schools and would therefore be in violation of the First Amendment to the Constitution of the United States as interpreted by the Supreme Court of the United States. *Schempp supra*; *Chamberlin v. Public Instruction Board*, 377 U.S. 402." *Opinion of the Justices*, 108 N.H. 97, 228 A.2d 161 (1967).

"It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance." *Engel v. Vitale*, 370 U.S. 421, 435, 8 L. Ed. 2d 601, 610; 82 S. Ct. 1261, 1269 (1962).

The amendment proposed in the senate to House bill 639 would provide for "voluntary silent meditation" in place of the Lord's Prayer. In our opinion neither the encouragement nor authorization of voluntary silent meditation nor a voluntary pledge of allegiance to the flag violates the first amendment to the Constitution of the United States as interpreted by the United States Supreme Court. *Opinion of the Justices*, 108 N.H. 97, 228 A.2d 161 (1967).

"It has not been shown that readings from the speeches and messages of great Americans, for example, or from the documents of our heritage of liberty, daily recitation of the pledge of allegiance, or even the observance of a moment of reverent silence at the opening of class, may not adequately serve the solely secular purposes of the devotional activities without jeopardizing either the religious liberties of any members of the community or the proper degree of separation between the spheres of religion and government." *Brennan, J.* concurring in *Abington School District v. Schempp*, 374 U.S. 203, 281, 10 L. Ed. 2d 844, 891, 83 S. Ct. 1560, 1602 (1963).

In the event the proposed senate amendment should be enacted, it should explicitly provide for a voluntary pledge of allegiance as well as voluntary silent meditation in order to avoid the possibility of conflict with the Constitution of the United States. In *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 87 L. Ed 1628, 63 S. Ct. 1178 (1943), it was held that a school child may not be compelled to pledge allegiance to the flag. See *Kurland, The Supreme Court, Compulsory Education And The First Amendment Religion Clauses*, 75 W. Va. L. Rev. 213, 223 (1973).

In summary, you are advised that amended House bill 639 would be unconstitutional and that if amended as proposed by the senate as herein suggested, it would be constitutional.



Frank R. Kenison  
Laurence I. Duncan  
Edward J. Lampron  
Robert F. Griffith

June 27, 1973

Sen. Poulsen moved the Senate adjourn until 9:00 a.m.

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### *Thursday, 28Jun73*

The Senate met at 9:00 a.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Heavenly Father, Thank you for *This Day!*

Give to us Thy intuitive powers of understanding and acceptance of all issues that come before us. Let us keep our perspective and determination for the rights of others as well as ourselves in our legislation today.

Ease our tired minds and bodies with the knowledge that within each one of us — glows the Spirit of God in man. Amen.

Pledge of Allegiance was led by Sen. Walworth Johnson.

HB 475, relative to fees payable to cities and towns where racing meets are held.

#### COMMITTEE OF CONFERENCE REPORT ON HB 475

The committee of conference to which was referred HB 475, An Act relative to fees payable to cities and towns where racing meets are held, having considered the same, report the same with the following recommendations:

That the House of Representatives recede from its position of nonconcurrency with the Senate amendment and the Senate recede from its position in adopting its amendment and the House and Senate each adopt the following amendment to the bill:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Fees for Racing Meets. Amend RSA 284:23, IV, as amended by striking out said paragraph and inserting in place thereof the following:

IV. Each person, association or corporation licensed to conduct a race or race meet under this chapter shall also pay to the city or town treasurer in which the racing plant is located for each day of racing the fees assessed in (a) and (b) below. This rate is provided said person, association or corporation has a license to conduct races or race meets for more than eight days during the year for which the license is issued. If said person, association or corporation has a license to conduct races or race meets for eight days or less, the said per diem fee shall be determined by the commission.

(a) Each Weekday including Saturday

Parimutuel pool	Fee
Under \$300,000	\$300 per day
\$300,000 or more	\$350 per day

(b) Each Sunday

Parimutuel pool	Fee
Under \$350,000	\$400 per day
\$350,000 but under \$500,000	\$800 per day
\$500,000 or more	\$1,200 per day

2 Effective Date. This act shall take effect upon its passage.

Sen. Richard P. Green  
 Sen. Delbert F. Downing  
 Sen. Clesson J. Blaisdell  
 Conferees on the Part of the Senate  
 Rep. Laurence N. Belair  
 Rep. Wilfred R. Cunningham  
 Rep. Henry J. Seamans, Sr.  
 Rep. Carl F. Altman  
 Conferees on the Part of the House

Sen. Green moved that the Senate concur with the Report.

Adopted.

HB 910, relative to protecting consumers in the sale of consumer goods.

COMMITTEE OF CONFERENCE REPORT  
ON HB 910

The committee of conference to which was referred HB 910, An Act relative to protecting consumers in the sale of consumer goods, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position of adopting its amendment, and

That the House and Senate each adopt the following new amendment and pass the bill as so amended.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Implied Warranties. Amend RSA 382-A:2-316, (3) (a) as inserted by 1959, 247:1 by striking out said subparagraph and inserting in place thereof the following:

(a) unless the circumstances indicate otherwise, implied warranties may be excluded by expressions like "as is", "with all faults" or other language which in common understanding calls the buyer's attention to the exclusion of warranties and makes plain that there is no implied warranty; and

Sen. David H. Bradley  
Sen. Frederick A. Porter  
Sen. Laurier A. Lamontagne  
Conferees on the Part of the Senate

Rep. Anthony A. McManus  
Rep. Louis D. Record  
Rep. Dudley W. Dudley  
Rep. Frank A. Nutting, Jr.  
Conferees on the Part of the House

Sen. Bradley moved that the Senate concur with the Report.

Adopted.

HB 637, providing for the payment of interest on real estate tax payments made to banking institutions by mortgagors.

COMMITTEE OF CONFERENCE REPORT  
ON HB 637

The committee of conference to which was referred HB 637, An Act providing for the payment of interest on real estate tax payments made to banking institutions by mortgagors, having considered the same, report the same with the following recommendation:

That the House of Representatives recede from its position of nonconcurrence with the Senate amendment and adopt the Senate amendment and the House and Senate each pass the bill as amended by the Senate.

Sen. Andrew W. Poulsen  
Sen. John H. McLaughlin  
Sen. Richard F. Ferdinando  
Conferees on the Part of the Senate

Rep. Joseph H. Deoss  
Rep. Wayne E. Helie  
Rep. Elmer S. Wiggin  
Rep. Stuart V. Nims  
Conferees on the Part of the House

Sen. Poulsen moved that the Senate concur with the report.  
Adopted.

HB 798, realing with unemployment compensation.

COMMITTEE OF CONFERENCE REPORT  
ON HB 798

The committee of conference to which was referred HB No. 798, An Act dealing with unemployment compensation, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence in the Senate amendment and concur in and adopt said amendment, and

That the House and Senate each adopt the following amendment to the bill and both pass the bill as so amended.

Amend the bill by striking out section 11 and inserting in place the following:

11 Repeal. RSA 282:22 (supp) as inserted by 1969, 451:8, as amended, placing the work incentive program in the department of employment security, is hereby repealed.

12 Manpower Development and Training Act. Amend 1965, 246:1 by striking out said section and inserting in place thereof the following:

246:1 Manpower Development and Training Act. The governor is hereby authorized to participate in the Manpower Development and Training Act of 1962, as amended.

13 Special Fund. Amend 1965, 246:2 by striking out said section and inserting in place thereof the following:

246:2 There is hereby created in the state treasury a special fund to be known as the Manpower Development and Training Act Fund. All monies granted to the state by the United States of America under said federal act, and all state funds appropriated for this purpose, shall be deposited in this fund and shall be continuously without lapse or transfer to any other fund, available to the governor and council who may delegate responsibility under this act to the commissioner of the department of employment security and the commissioner of the department of education for expenditures for the purposes authorized by the appropriate federal agencies. All monies granted to this state by the United States of America and deposited in this fund shall be accounted for separately but may be co-mingled with state funds deposited therein, and shall be subject to be replaced or returned to the United States of America under such terms as are provided under the Manpower Development and Training Act. The state treasurer is hereby designated as custodian of the fund and shall be liable on his official bond for the faithful performance of his duties in connection therewith. These funds shall be expended under the approval of the governor and council who may delegate responsibility under this act to the commissioner of the department of employment security and the commissioner of the department of education as hereinabove provided.

14 Effective Date. This act shall take effect as follows:

I. Sections 1 through 10 on the first day of the calendar week commencing after sixty days after passage;

II. Sections 11 through 13 upon passage.



Sen. Ward B. Brown  
Sen. Robert F. Bossie  
Sen. Delbert F. Downing  
Conferees on the Part of the Senate

Rep. Shirley K. Merrill  
Rep. Malcolm J. Stevenson  
Rep. Patricia M. Skinner  
Rep. Doris T. Lynch  
Conferees on the Part of the House

Sen. Brown moved that the Senate concur with the report.

Adopted.

HB 292, providing for protection at the surface of persons diving in waters with the aid of mechanical apparatus.

#### COMMITTEE OF CONFERENCE REPORT HB 292

The committee of conference to which was referred House Bill No. 292, An Act providing for protection at the surface of persons diving in waters with the aid of mechanical apparatus, having considered the same, report the same with the following recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment and concur with the Senate amendment, and

That the House and Senate each pass the bill as amended by the Senate.

Sen. Clesson J. Blaisdell  
Sen. Frederick A. Porter  
Sen. Robert F. Preston  
Conferees on the Part of the Senate

Rep. Kenneth W. Spalding  
Rep. Robert M. Lawton  
Rep. Donald W. Gorman  
Rep. Noreen D. Winkley  
Conferees on the Part of the House

Sen. Blaisdell moved that the Senate concur with the report.

Adopted.

HB 640, authorizing the governor to enter into contracts with veterinary medical schools.

#### COMMITTEE OF CONFERENCE REPORT ON HB 640

The committee of conference to which was referred House Bill No. 640, An Act authorizing the governor to enter into contracts with veterinary medical schools, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position of adopting its amendment, and

That the House and Senate adopt the following new amendment to the bill and each pass the bill as so amended.

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

authorizing the governor to enter into agreements  
with veterinary medical schools.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend the RSA by inserting after chapter 332-D the following new chapter:

#### Chapter 332-E

#### School of Veterinarian Medicine

332-E:1 Agreements Authorized. The governor is authorized to enter into an agreement with the board of trustees of any American veterinary medical school accredited by the American Veterinary Association, or its successor organization, for the purpose of providing veterinary medical education to qualified New Hampshire residents. The contract shall provide for the enrollment of not more than five students for each class year. A sum not to exceed five thousand dollars shall be paid yearly for each student so enrolled. Not more than five students for each class year shall be enrolled in all of the schools which contract to provide such veterinary medical education under this

chapter. Upon application by each student seeking admission to a veterinary school under this plan, the New Hampshire coordinating board of advanced education and accreditation shall certify to such veterinary school whether such student is a resident of New Hampshire in accordance with the definition of "resident" and related policies as adopted by that board, which definition shall have been approved by the governor and council.

332-E:2 Enrollment. The dean of agriculture at the university of New Hampshire shall certify to the state comptroller before September 1, 1973 and before September first of each year thereafter the names of those New Hampshire students not exceeding five who have enrolled at schools of veterinary medicine as provided in RSA 332-E:1 and have qualified pursuant to RSA 332-E:3. The state comptroller shall pay to such schools a sum which is the product of five thousand dollars times the number of certified eligible students enrolled under the provisions of this chapter.

332-E:4 Tuition. The state of New Hampshire shall make available to each student so accepted and enrolled a tuition loan, in an amount equal to but not exceeding the difference between the yearly university of New Hampshire (Durham) resident tuition fee and the like Veterinarian college fee less any and all grants or scholarships said student may be awarded from any source for tuition purposes.

332-E:5 Repayment Requirement. Financial assistance under this chapter shall be granted only to those New Hampshire residents who agree to repay the state for such sums as are expended in their behalf. An interest-free note for repayment hereunder shall be signed and be enforceable in an action for debt. It shall not be a defense to such action that the recipient was a minor when the note was executed.

332-E:6 Enforcement. The comptroller is authorized to enforce the collection of accounts that become due under the loan provisions of this chapter.

332-E:7 Repayment of Funds by Veterinarian Students. The state comptroller shall prepare a note for signature of any veterinarian student who is a recipient of a loan issued in accordance with this chapter. The note shall be in an amount that equals the amount paid by the state treasurer for their respective

loans. Repayment of the note shall be made in equal annual installments beginning on the anniversary date of the recipient's graduation date or termination of enrollment, whichever shall first occur, provided however that if the recipient continues without interruption his veterinary education and/or his intern requirements, said anniversary date shall be the anniversary of the date on which such continued education or internship terminates. Within a period equal to twice the number of school years of his respective enrollment, plus one year, all installments shall be paid in full to the state comptroller. The comptroller shall reduce any annual installment by one half, providing the recipient has practiced medicine on a full-time basis in New Hampshire during eight of the preceding twelve months.

332-E:8 Forgiveness of Accounts. The comptroller may, in case of hardship, death or other extenuating circumstances, with the approval of the governor and council, extend or forgive such individual accounts as may be brought to his attention.

2 Appropriation. There is hereby appropriated the sum of forty thousand dollars for the fiscal year ending June 30, 1974 and eighty thousand dollars for the fiscal year ending June 30, 1975 for the purposes of this act. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Repeal. RSA 332-C as inserted by 1972, 60:68, relative to schools of veterinarian medicine, is hereby repealed.

4 Effective Date. This act shall take effect upon its passage.

Sen. Edith B. Gardner  
Sen. Robert F. Preston  
Sen. John H. McLaughlin  
Conferees on the Part of the Senate

Rep. Richard S. Lockhart  
Rep. Elaine T. Lyons  
Rep. Charles W. Ferguson, Jr.  
Rep. Sumner W. Raymond  
Conferees on the Part of the House

Sen. Gardner moved that the Senate concur with the Report.

Adopted.

HB 923, enacting new salary grades for all classified and unclassified employees and establishing uniform overtime for classified employees.

COMMITTEE OF CONFERENCE REPORT  
ON HB 923

The committee of conference to which was referred HB 923, An Act enacting new salary grades for all classified and unclassified employees and establishing uniform overtime for classified employees, having considered the same report the same with the following recommendation:

That the House of Representatives recede from its position of nonconcurrency with the Senate amendments and adopt the Senate amendments and the House and Senate each pass the bill as amended by the Senate.

Sen. Alf E. Jacobson  
Sen. Clesson J. Blaisdell  
Sen. Walworth Johnson  
Conferees on the Part of the Senate  
Rep. Susan N. McLane  
Rep. David O. Huot  
Rep. Roderick H. O'Connor  
Rep. Charles W. Ferguson, Jr.  
Conferees on the Part of the House

Sen. Jacobson moved that the Senate concur with the Report.

Sen. JACOBSON: Mr. President, I would simply like to say that the House has accepted the Senate amendment which establishes an interim study committee to study the personnel system with respect to the Arthur D. Little Report.

Adopted.

Sen. Trowbridge spoke on committee of conference on HB 888.

Sen. TROWBRIDGE: Mr. President, the Governor said in general that he still wanted to cut the budget. What we did is take the desired item change and if the representative of that particular area was there we then let him testify to that item and we then had both sides of the question presented. The following are the recommendations:



We start with 216.8 million dollars. \$82,947.00 is actually the figure for the three personnel that we were going to put in the Personnel Department at the insistence of Roy Lang. It would be the only implementation of the Arthur D. Little Report but it was a new program and it can be cut without cutting existing programs and so we removed the \$82,947.00.

On the Commission on the Status of Women which involved \$15,000 we decided that we would not go along with the cut because if you are going to have a Status of Women they need funds. The same consideration went also for the Apprenticeship Council which was allotted \$35,372. A cut to that council would have caused it be eliminated. In section 25 of Labor, the sum being \$21,816, a position was eliminated and we agreed to that cut. A cut of \$418,899 was made to the State Liquor Stores. So the new figure for the Liquor Stores is \$516,905. The \$19,838 for the Real Estate Commission, which is for one inspector and his car and expenses, was decided to remain in the budget. The sum of \$20,000 in DRED for the New Hampshire/Vermont Development Council was left intact. The sum of \$21,500 for DRED was left intact as well.

The sum of \$21,000 is for the State Geologist and that position will remain. In Parks and Recreation you will see the sum of \$118,000 as being self-supporting. On this the recommendations were to cut out their temporary help and maintenance etc. We have agreed to cut out \$49,800. Also on the Service Parks we agreed to cut back \$76,300 in temporary help and maintenance. The \$59,488 and the Water Resources Board and the figure of \$76,300 was the amount that was cut. So we did not agree to cut the \$59,488. The sum of \$47,265 was for the New Hampshire Council on Aging, which we agreed to cut \$20,000 over the biennium.

Now, here the Governor recommended \$1,690,000 for the support of Community Mental Health. This has to be separated into two parts. On is the Comprehensive Mental Health Center and the other is the regular dollar per dollar matching. Of that quoted amount \$1,256,745 would be the amount to support the Manchester and North Country Mental Health Centers. What we have agreed to do is that we will take and include federal funds. So the cut that you should use is \$1,257,000. They also asked for Health Welfare — the \$588,990 is an additional cut of professional jobs at the Hospital. The committee did not

agree to take any more funds from the State Hospital. You then come to an item of \$836,573 for Health and Welfare Medical Assistance and the Senate had previously cut these funds so the committee did not feel they could cut these funds any lower.

The next amount of \$42,778 was not cut in regards to the Commission of the Arts. The next amount of \$327,200 and \$453,469 now you may recall that those two totalled will be taken out of the budget and will be handled by itself. We then come down to the area of Area Vocational Schools which operated at \$200,000 each year is plenty to get it going. So we are cutting \$100,000 in this area.

In the area of Greyhound racing there were a couple of inspectors' jobs that it was felt that the state need not pay the bill so there we have a cut of \$40,000. In Alcohol and Drug Abuse the community drug abuse program has 21 people on board including social workers etc. We feel that in this program we could shift people from our other programs to work here which would cost \$99,897 for the biennium.

And in Administration and Control the \$77,000 in there is an addition to the rental revenue switches because the \$780,669 was not the entire amount of transfers that could be made so they were taken out. So to summarize we started at 216.8 million the cuts that we have made up till now excluding the University total \$3,154,361. Which when subtracted from 216.8 comes to 213.6 million dollars.

We presented this to the Governor and at that point it become a problem that I want to present to you. At that point we said here is 213.6 million roughly and we've gone as far as we can go with your recommendations. We then said what about taking the footnote out of the budget which says that the University has to reduce its tuition? That would have reduced the budget to 212.7. But would have allowed the University to have at least enough money to operate at the level that we now have set in the conference committee budget. The University appeared and they agreed that if that had to be the way it would be acceptable. However, the Governor said I want to have this thing below 212 million for reasons that I can't tell you and I want the footnote in. So, this has brought us down to a narrow point of division. This is now a question of the footnote or the University tuition. That is now the issue.

Sen. DOWNING: Senator, if the one million dollars for the University was taken out and the footnote was as well, would that necessarily mean that the tuition would have to be increased?

Sen. TROWBRIDGE: No question.

Sen. JOHNSON: If the Governor is going to veto the budget then why cut the budget?

Sen. TROWBRIDGE: You never know.

Sen. JOHNSON: It seems difficult to accept that proposal. In other words, are we making these cuts only to be shot down?

Sen. TROWBRIDGE: In my judgment, I think that a middle ground would be wiser.

Sen. SANBORN: In section 56 it says \$400,000 of the University at Durham? And if we take a million out of the University system we are then only taking \$400,000 out of Durham?

Sen. TROWBRIDGE: That was another proposal.

Sen. JACOBSON: In regards to the New Hampshire Hospital, Major Wheelock says something about a food cost. His figures were much higher than the standard food price raise. Was there some explanation of that?

Sen. TROWBRIDGE: Yes. He's talking about the wholesale food prices.

Sen. JACOBSON: In your view then in regards to the New Hampshire Hospital the committee felt that the employees could not be cut?

Sen. TROWBRIDGE: We have already cut everybody who has come in in the last six months of the biennium. We recognize that in the custodial services we have a lack already.

Sen. JACOBSON: Was there any discussion of cutting the medically indigent program?

Sen. TROWBRIDGE: I think that you have that wrong. I don't recall hearing that.

Sen. JACOBSON: With regards to the university, in 1971 session there was discussion about cutting the tuition and at that time the issue was that this makes the university more

available. One of the arguments that I presented was that I don't think \$50 makes a university more available. I suggested that the money that was designed for the cut be placed in a fund for additional scholarship funds for those people who are in the level of poverty. I was wondering if there was any discussion with regards to taking approximately half of this one million of which you speak and leaving it in the budget, but earmarking it for those people who by examination could not endure a 50 dollar cut and go to the university and then take out the footnote?

Sen. TROWBRIDGE: Here we are on June 28, trying to make a new program for the university. The biggest complaint that we have from students is that they can't get into certain courses. They can't take what they are there for. We are saying that they need the million dollars for what they are there for.

Sen. BLAISDELL: Sen. Trowbridge, is the Governor really ready to accept the responsibility for the New London Liquor Store and the Winchester Liquor Store?

Sen. TROWBRIDGE: Certainly, I won't.

Sen. JACOBSON: First of all I'd like to say that Sen. Trowbridge and the committee has done an excellent job. I would like to say also that they have conformed to everything that I have said with the exception of the New London Liquor Store which I think that if that must be sacrificed then it must be. I think that the people in the area will still be able to get it. It is my feeling that the committee has gone the mile toward the Governor and I feel that it is upon the Governor to walk his mile with respect to this. I and others would want to encourage him to do exactly that.

Sen. TROWBRIDGE: I take it then you would be talking in terms of taking the million out and taking the footnote out?

Sen. JACOBSON: I would say that if that's the issue then that's the type of compromise that I could live with.

Sen. Downing moved that we concur with the recommendation of Sen. Trowbridge in regard to the reductions in the budget recommended by the committee of conference.

Sen. SPANOS: I support the motion offered by Sen. Downing.



Sen. LAMONTAGNE: Mr. President and members of the Senate I rise in support of the pending motion.

Sen. PRESTON: Sen. Trowbridge, based on what Sen. Lamontagne has said on Sen. Downing's motion what would you say the estimated surplus would be? Depending on what happens with the specials, but Arthur Drake and I estimated that with the specials we thought it would be six and one half million dollars. That would be the surplus if this budget were adopted which is a large surplus.

Sen. GREEN: Mr. President, with due respect to Sen. Trowbridge, I want this group to know that pushing midnight last night this conference committee was still trying to compromise with the Governor. I have never stood up publicly and said any statements derogatory about the Governor of this state but when I think of the word compromise I think of it as a two-way street. In this situation I don't think that this is a two-way street. I think that the Governor has made up his mind that there are some things that he is going to have and that he is going to play any kind of games or politics to get them.

There has been arm twisting all going on around this budget. I believe that the 216.8 was a good budget for the state of New Hampshire and I am not going to be convinced otherwise unless I can be shown that there are cuts in this budget that do not affect people in this state.

Sen. FOLEY: Mr. President as a member of the Finance committee when we first started the session, the departments came in and told us what they needed. We then went and decided what we, the Finance committee, could afford and the budget went out and anyone who felt that they were really affected came in and explained why they thought we were being unfair. When we finished our Senate Finance Budget we brought it upstairs from the Floor and opened and welcomed the exchange of ideas. When we met with the conference committee of the House we had three days of real hearings and discussions. There were three days open to the press. Now we are asked to compromise again. Six months of our work is going down the drain because we have to reach a magic number. I think that the Senate should stand up and be counted as being behind the education in our state.

Sen. Green moved that the motion be amended and state



that the footnote be removed and that we include the proposed \$850,000.00 in the budget.

Sen. JACOBSON: Senator Green, if this were to be adopted ultimately by the committee of conference the net effect of that would be to put \$850,000 into the university budget. Is that correct?

Sen. GREEN: I don't think that is absolutely correct.

## RECESS

### OUT OF RECESS

Roll Call requested by Sen. Blaisdell, seconded by Sen. Downing.

Yeas: S. Smith, Bradley, Green, Spanos, Blaisdell, Porter, Claveau, R. Smith, Johnson and Foley.

Nays: Lamontagne, Poulsen, Gardner, Jacobson, Trowbridge, McLaughlin, Sanborn, Provost, Brown, Bossie, Downing and Preston.

Result: Yeas 10, Nays 12.

Amendment lost.

Question is on the motion by Sen. Downing.

Adopted unanimously.

## RECESS

### OUT OF RECESS

Sen. Bossie moved we reconsider our action whereby we concurred with the committee of conference report on HB 798.

Adopted.

Sen. Bossie moved that HB 798 be laid on the table.

Adopted.

## HOUSE MESSAGES

### HOUSE ADOPTION OF COMMITTEE OF CONFERENCE RECOMMENDATION

SB 179, abolishing the restriction prohibiting state liquor

stores from operating within close proximity to schools, churches and parish houses.

SB 182, providing for seven appointed members to the Manchester Airport Authority.

HB 1036, providing for all federal enclaves in the state to be single districts for school purposes.

HB 32, relative to the inspection of bridges and making an appropriation therefor.

HB 834, relative to allowing members of standing and interim committees mileage for attending meetings.

#### HOUSE ADOPTION OF ENROLLED BILLS AMENDMENTS TO

SB 92, providing total property tax exemption for all totally disabled veterans of any branch of the armed forces.

HB 247, relative to a two lane extension of the Spaulding Turnpike.

HB 10, relative to the registration and operation of off highway recreational vehicles and making an appropriation therefor.

HB 784, relative to hawkers and peddlers and street sales.

HB 257, relative to the prohibition of certain promotional games at gasoline stations.

HB 539, establishing civil procedures relating to the admission and treatment of the mentally ill and making an appropriation therefor.

#### ENROLLED BILLS AMENDMENTS TO

HB 247, relative to a two lane extension of the Spaulding Turnpike.

Sen. R. Smith moved concurrence with the amendment.

#### AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

I Two Lane Highway. Amend RSA 256-C:2, II (supp) as amended by an act passed at the 1973 session of the general court relative to construction of Dover-Somersworth interchange of Spaulding turnpike by striking out said paragraph and inserting in place thereof the following:

II. Make improvements to the portion of the eastern New Hampshire turnpike known as the Spaulding Turnpike and extend said turnpike with two lanes including the completion of existing interchange number 9, the Dover-Somersworth interchange, and the extension of the turnpike to the 1965 Milton-Wakefield project;

Further amend section 2 of the bill by inserting after the fourth project enumeration in said section the following:

Construction of Dover-Somers-	One million dollars
worth interchange number nine	(\$1,000,000)
of Spaulding Turnpike. RSA	
256-C:2, II	

Amend section 2 of said bill by striking out the first ten lines and inserting in place thereof the following:

2 Lanes Reduced. Amend RSA 256-C:6 (supp) as amended by an act passed at the 1973 session of the general court by striking out said section and inserting in place thereof the following:

Further amend said section 2 by striking out the words and figures

"Thirty-three million dollars  
(\$33,000,000)" and inserting in place thereof the words  
and figures:

Thirty-six million dollars  
(\$36,000,000)

Amendment Adopted.

HB 784, relative to hawkers and peddlers and street sales.

#### AMENDMENT

Amend section 8 of the bill by striking out said section and inserting in place thereof the following:

8 Street License Modification. Amend RSA 31:99 by strik-

ing out in line four the words "and other purpose" and inserting in place thereof the following (purposes, but not for retail sale), so that the section as amended shall read as follows:

31:99 License to Occupy Portion of Street. The selectmen of a town may grant a license in writing to any person to occupy a portion of any street, designated by distinct limits, for the purpose of laying thereon lumber and other materials for building purposes, but not for retail sale except as provided in RSA 31:99-a, for a time not exceeding four months, whenever they shall deem it necessary or proper, subject to such terms and conditions, to be expressed in the license, as the public convenience and safety may require.

Amend section 9 of the bill by striking out said section and inserting in place thereof the following:

9 Licensing of Temporary Sales Locations. Amend RSA 31 by inserting after section 99-c the following new section.

31:99-d Temporary Sales Locations. The governing body of a city, town or village district may make, by ordinance or by-law, provisions for the granting of licenses to itinerant vendors, hawkers, peddlers, traders, farmers, or merchants to sell or take orders for merchandise from parked motor vehicles, push carts, temporary stands or other stationary temporary outlets at such locations and subject to such conditions, fees and terms as the public convenience and safety demands.

10 Effective Date. Sections 1, 2, 3, 4, 5, 6, and 7 of this act shall take effect sixty days after its passage. Sections 8 and 9 of this act shall take effect November 2, 1973.

Sen. R. Smith moved concurrence with amendment.

Amendment Aodpted.

HB 257, relative to the prohibition of certain promotional games at gas stations.

## AMENDMENT

Amend section 1 of the bill by striking out the section and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 237-A the following new chapter:

## Chapter 287-B

## Promotional Games

287-B:1 Certain Promotional Games Prohibited. It shall be unlawful for any person who owns or operates a gas station to induce or promote the retail sale of any product or service at said gas station by offering or disposing of any ticket, token, chance, certificate, or any other thing whereby the offeror or donor represents that the possession of a certain ticket, token, chance, certificate, or any other thing or contribution thereof shall, in a manner dependent upon or connected with chance entitle the holder to receive any thing of value to which he would not otherwise be entitled.

287-B:2 Penalty. If any person shall violate any of the provisions of RSA 287-B:1, he shall be subject to the following penalty:

I. If the offense occurs prior to November 1, 1973, he shall be fined no more than five hundred dollars, or imprisoned no more than one year, or both.

II. If the offense occurs on or after November 1, 1973, he shall, if a natural person, be guilty of a misdemeanor, and any other person shall be guilty of a felony.

287-B:3 Exceptions. The provisions of RSA 287-B:1 shall not apply to:

I. Promotional games or offerings in which the total value of prizes given in any thirty-day period is less than one thousand dollars; or

II. The sale of lottery and sweepstakes tickets sold in accordance with the provisions of RSA 284:21-a to 21-r inclusive.

2 Effective Date. This act shall take effect sixty days after its passage.

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

HB 10, relative to the registration and operation of off highway recreational vehicles and making an appropriation therefor.



## AMENDMENT

Amend RSA 269-C:6, VI as inserted by section 1 of the bill by striking out in line four of said paragraph the reference "RSA 269-C:13" and insert in place thereof the following (RSA 269-C:7, V).

Amend RSA 269-C:16, II, as inserted by section 1 of the bill by striking out in line eight of said paragraph the reference "RSA 269-C:20" and insert in place thereof the following (RSA 269-C:18).

Amend RSA 269-C:18, IV, as inserted by section 1 of the bill by striking out in line one of said paragraph the reference "RSA 269-C:19" and insert in place thereof the following (RSA 269-C:17).

Amend RSA 269-C:19 as inserted by section 1 of the bill by striking out in line four of said section the reference "RSA 269-C:20" and insert in place thereof the following (RSA 269-C:18).

Amend RSA 269-C:25 as inserted by section 1 of the bill by striking out in line nine of said section the reference "RSA 269-C:20" and insert in place thereof the following (RSA 269-C:18).

Amend RSA 572:15-b as inserted by section 5 of the bill by striking out in line five the reference "RSA 269-C:1, XIII" and insert in place thereof the following: (RSA 269-C:1, VI).

Amend section 7 of the bill by striking out in line four after the numeral "24" the following "IV" and insert in line two in the proper sequence after "24" the following (IV) and (XI).

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

HB 539, establishing civil procedures relating to the admission and treatment of the mentally ill and making an appropriation therefor.

## AMENDMENT

RSA 135-B:8 as inserted by section 1 of the bill by striking

out lines 2 through 4 and inserting in place thereof the following:

law to the contrary, any person aggrieved by an order or decree of the probate court has a right of review by the supreme court in the same manner provided for review of cases heard before the superior court.

Amend RSA 35-b as inserted by section 1 of the bill by inserting after section 8 the following subdivision heading:

#### Voluntary Admission

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

HB 694, relative to institutional guardianships.

#### AMENDMENT

Amend section 1 of the bill by striking out lines 1 through 4 and inserting in place thereof the following:

1 Office of the Director of the Division of Welfare. Amend RSA 463 by inserting after section 6 the following new section:

463:6-a Institutional Guardian. The office of the director of the division

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

#### SPEAKER REPLACES COMMITTEE OF CONFERENCE MEMBER

HB 193, requiring open vehicles to be covered when carrying particulate material.

Rep. A. Mann replacing Rep. Hanson.

#### COMMITTEE OF CONFERENCE REPORT

SB 182, providing for seven appointed members to the Manchester Airport Authority.

## COMMITTEE OF CONFERENCE REPORT ON SB 182

The committee of conference to which was referred SB 182, An Act providing for seven appointed members to the Manchester Airport Authority, having considered the same, report the same with the following recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment and that the House recede from its position of adopting its amendment and the Senate and House each adopt the following amendment to the bills:

Amend 1927, 244:4-a as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

244:4-a Manchester Airport Authority. To carry out the provisions of this act with respect to aviation, the mayor shall, with the approval of the board of aldermen, appoint five citizens of Manchester or of towns contiguous to Manchester who shall constitute the Manchester Airport Authority, said citizens to serve until March 1, 1960, March 1, 1961, March 1, 1962, March 1, 1963, and March 1, 1964, respectively, or until their successors are appointed and qualified. The mayor shall, with the approval of the board of aldermen, appoint an additional two citizens of Manchester or of towns contiguous to Manchester to said Authority, said citizens to serve until March 1, 1975, or until their successors are appointed and qualified. Annually thereafter the mayor shall in the month of February, with the approval of the board of aldermen, appoint one or two citizens, as the case may be, of Manchester or of a town contiguous to Manchester to serve for a term of five years from March first, or until his successor (s) is appointed and qualified. As soon as convenient after the appointment of said trustees, they shall organize by choosing one of their members chairman and one clerk. Meetings of said authority shall be held upon call of the chairman or mayor on such dates as said authority shall designate. In the original appointment of the airport authority four out of seven of such members shall hold currently valid airmen's certificates of commercial rating or higher, or the military equivalent of the same. Subsequently appointments to said authority shall be made from citizens who hold currently valid airmen's certificates of commercial rating or higher, or the military equivalent of the

same, unless at the time of such appointment at least four members of said authority are so qualified.

Sen. Richard F. Ferdinando  
Sen. Robert F. Bossie  
Sen. Paul E. Provost  
Conferees on the Part of the Senate

Rep. William P. Boucher  
Rep. Russell A. Taber  
Rep. Chris Spirou  
Rep. George J. Thibeault  
Conferees on the Part of the House

Sen. Downing moved that the Senate concur with the Report.

Adopted.

SB 179, abolishing the restriction prohibiting state liquor stores from operating within close proximity to schools, churches and parish houses.

#### COMMITTEE OF CONFERENCE REPORT ON SB 179

The committee of conference to which was referred Senate Bill No. 179, An Act abolishing the restriction prohibiting state liquor stores from operating within close proximity to schools, churches and parish houses, having considered the same report the same with the following recommendation:

That the Senate recede from its position of nonconcurrence in the House amendment and adopt the House amendment and the Senate and House each pass the bill as amended by the House.

Sen. Paul E. Provost  
Sen. Ward B. Brown  
Sen. William E. Sanborn  
Conferees on the Part of the Senate

Rep. Lyman E. Collishaw  
Rep. George Twigg III  
Rep. Harry H. Pray  
Rep. William A. Desmarais  
Conferees on the Part of the House

Sen. Downing moved concurrence with the Report.

Adopted.

### ENROLLED BILLS REPORT

HB 485, relative to reconsideration of bond or note issues of over one hundred thousand dollars.

HB 836, expanding the jurisdiction of the public utility commission to regulate water companies as public utilities, except for municipal water companies.

SB 75, adopting the uniform management of institutional funds act.

SB 165, providing for per diem and expenses for state council on aging and for expenses for state commission on the status of women.

HJR 47, providing for a legislative committee to study the means of implementing a furlough system at the New Hampshire State Prison and providing for indemnification of state prison personnel in connection with claims by inmates.

HB 179, providing that the salaries of registers of deeds of all counties except Coos and Carroll be a fixed amount and all fees for their services be paid to the respective county treasurer, and that special provisions be made for the registers of deeds of Coos and Carroll counties, and providing for an increase in the mileage allowance for sheriffs and deputies of certain counties.

HB 148, relative to furnishing generic as well as brand names of prescription drugs.

HB 818, relative to the administration of the revenue laws.

SB 189, authorizing fiduciaries to deposit securities in a central or regional depository.

SB 209, relative to free parking in municipal parking areas.

SB 211, prohibiting the use of fin fish entrapment devices in ocean waters.

Sen. Provost  
*For The Committee*



## RECESS

## AFTER RECESS

## ENROLLED BILLS AMENDMENTS

HB 897, relative to the board and care of persons committed to the Laconia state school and training center, the New Hampshire hospital or the New Hampshire Home for the Elderly.

## AMENDMENT

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Liability for Education in Public Institutions. Amend RSA 8:41 (supp) as amended by section 1 of this act and as amended by "An Act relative to the expense of education in public institutions." passed by the 1973 session of the general court, by striking out said section and inserting in place thereof the following:

8:41 Persons Chargeable With Support of Inmates of Public Institutions. Except as limited in RSA 8:41-c and subject to the provisions of RSA 8:44, V, expenses incurred in the institutions named in RSA 8:40 or at the direction of the commissioner of health and welfare in any public or private institution or elsewhere by anyone having a father, mother, son, daughter, husband or wife whose weekly income or other resources are more than sufficient to provide a reasonable subsistence compatible with decency and health, may be recovered in an action in the name of the state, from either a father, mother, son, daughter, husband or wife, who are declared jointly and severally liable for such expenses, unless otherwise ordered by the court.

## 5 Effective Date.

I. Sections 1, 2, and 3 of this act shall take effect sixty days after its passage.

II. Section 4 of this act shall take effect July 2, 1974.

Sen. Provost moved that the Senate adopt the amendment.

Amendment Adopted.

HB 730, providing for regional vocational education programs and making an appropriation therefor.

#### AMENDMENT

Amend section 1 of the bill by striking out lines 1 through 3 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 188-D the following new chapter:

#### Chapter 188-E

Further amend said section by striking out citations to RSA 188-D:1 through 10 and renumbering said sections to read as

188-E:1    188-E:2    188-E:3    188-E:4    188-E:5    188-E:6  
188-E:7    188-E:8    188-E:9    188-E:10

Amend RSA 188-E:3, II by striking out line 6 and inserting in place thereof the following:

regular building aid application of the district as provided in RSA 198:15-b.

Amend RSA 188-E:10 by striking out line 5 and inserting in place thereof the following:

expenditure of such funds shall be made by the state department of education to

Sen. Provost moved that the Senate adopt the amendment.

Amendment Adopted.

#### COMMITTEE OF CONFERENCE REPORTS

HB 1028, establishing the N. H. Transportation Authority.

Sen. Claveau moved concurrence with the report.

Sen. GREEN: Sen. Sanborn, in your opinion was the need for this substantiated?

Sen. SANBORN: They felt that the good it would do the state would certainly be substantiated.

Sen. SPANOS: In order to consult with Sen. Claveau I would like to see this laid on the table.

Sen. Spanos moved that HB 1028 be laid on the table.

Adopted.

The CHAIR: The Chair announces that Sen. Ferdinando wishes to be replaced on the committee of conference on HB 395.

The Chair appointed Sen. Preston as a conferee on HB 395 along with Sens. Bradley and Bossie.

### COMMUNICATIONS

Dear Mr. President:

I find it hard to find words to express my deep appreciation for the Resolution adopted by the New Hampshire Senate and signed by its officials and members which contains such kind expressions regarding my years of service in Washington. It is of particular significance to me because, as you may know, I served many years ago as Clerk of the New Hampshire State Senate. The Resolution will remain one of my cherished possessions.

Please express to the Senate my deep gratitude which is shared by my wife Ruth.

I thank you also, Dave, for your kind personal letter with which you transmitted the Resolution.

With every good wish,

Yours sincerely,

Norris Cotton  
U. S. Senator

Honorable David L. Nixon  
President of the Senate  
State House  
Concord, New Hampshire 03301

Sens. Porter and Foley moved that the letter be printed in the Senate Journal.

Adopted.

Hon. David L. Nixon  
President of the Senate  
State House  
Concord, New Hampshire 03301

Dear Sir:

At its Fifty-fifth Annual Department Convention, held in Manchester, New Hampshire, The American Legion took action on Senate Bill 31, which changed the dates of Memorial Day and Veterans Day back to their traditional dates of May thirtieth, and November eleventh. Thank you for this action.

Sincerely yours,  
Hubert S. O'Neil  
Department Adjutant

Hon. David L. Nixon  
President of the Senate

Dear Sir:

At its Fifty-fifth Annual Convention, held in Manchester, New Hampshire, The American Legion took action to express its wholehearted support of Senate Bill 5, a bill to recognize the wartime service of the Viet Nam Veteran.

The Viet Nam Veteran has had little or no recognition from his native State, and we feel that since he or she, participated in a war far worse from many points of view than any previous war, that he or she is entitled to no less recognition than that given to the earlier Veterans of World War Two and Korea. A grateful State should not overlook the sacrifices of our fine young men and women who answered their countries call rather than seek the sanctuary of other countries.

We sincerely hope that the New Hampshire Senate will give serious consideration to Senate Bill 5, and ask your indulgence in reading this communication to the Honorable Members of the Senate.

Very truly yours,  
Hubert S. O'Neil  
Department Adjutant

Sens. Lamontagne, Sanborn and Downing moved that the two letters be printed in the Senate Journal.

Adopted.

### SUSPENSION OF RULES

Sen. Bradley moved that the rules of the Senate be so far suspended as to allow that HB 639 be placed on second reading at this time without previous notice in the Journal.

Adopted.

HB 639, relative to permitting the Lord's prayer and the pledge of allegiance in public schools at local option. Ought to pass with amendment.

Sen. BRADLEY: This is the so-called prayer bill. As you recall the bill was sent to the Supreme Court for an opinion and we asked for an opinion on the bill as it passed the House and on the proposed amendment. The Supreme Court told us last night that the bill as it passed the House is going to unconstitutional but that the proposed amendment would be constitutional provided that we made it clear that both the prayer and the pledge of allegiance is voluntary.

Sen. S. SMITH: Mr. President, I rise in favor of the pending motion.

Sen. PRESTON: The voluntary pledge of allegiance, Sen. Bradley, is that something that is part of the amendment?

Sen. BRADLEY: I believe that the Supreme Court made the ruling that it be voluntary.

Sen. LAMONTAGNE: Mr. President and members of the Senate, I really rise and feel very badly that the Lord's Prayer has been taken out of the schools.

Sen. S. SMITH: Sen. Lamontagne, do you believe that people of the Jewish faith should have to recite the Lord's Prayer?

Sen. LAMONTAGNE: The Jewish people have had the Lord's Prayer in school years ago.

Sen. PRESTON: I just wanted to say that I don't like the word voluntary in front of the pledge of allegiance.



Sen. BRADLEY: Sen. Preston, have you seen the amendment thoroughly?

Sen. PRESTON: I agree that he is correct but I dislike the voluntary pledge of allegiance.

Sen. Poulsen moved that HB 639 be laid on the table.

Adopted.

### COMMITTEE OF CONFERENCE REPORT

HB 289, providing that banks which give mortgages on real property may not levy a service charge against the seller of the property.

### COMMITTEE OF CONFERENCE REPORT ON HB 289

The committee of conference to which was referred HB 289, An Act providing that banks which give mortgages on real property may not levy a service charge against the seller of the property, having considered the same report the same with the following recommendation:

That the House of Representatives recede from its position of nonconcurrence with the Senate amendments and the Senate recede from its position of adopting its amendments and the House and Senate each adopt the following amendments to the bill:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### AN ACT

limiting banks which give mortgage loans on real property from levying certain service charges.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Charges Prohibited. Amend RSA 384 by inserting after section 19 the following new section:

384:19-a Certain Fees Prohibited. No bank, person, partnership or corporation shall directly or indirectly, take or receive for a mortgage loan secured by any real estate any fee or other consideration other than the stated rate of interest on the mortgage, except for actual service rendered or actual ex-

penses incurred which shall be clearly detailed in writing to the borrower provided however that this section shall not apply to any mortgage transaction insured by the veteran administration, federal housing authority or any other governmental agency.

384:19-b Prepayment Penalty Prohibited. The borrower obligated on any mortgage note shall have the right to prepay his debt in whole or in part at any time without being required to pay any penalty nor any unearned interest, provided that in commercial transactions not involving the residence of the borrower, a prepayment fee of no more than one percent or five hundred dollars whichever may be the lower may be charged in the event that full prepayment is made within three years from the date of the loan.

2 Effective Date. This act shall take effect upon its passage.

Sen. Robert F. Bossie  
Sen. Andrew W. Poulsen  
Sen. Richard F. Ferdinando  
Conferees on the Part of the Senate

Rep. Harold Burns  
Rep. Wayne E. Helie  
Rep. Stuart V. Nims  
Rep. George Thibeault  
Conferees on the Part of the House

Sen. Bossie moved that the Senate concur with the report.

Adopted.

HB 299, to designate certain highways as bicycle trails and making an appropriation therefor.

#### COMMITTEE OF CONFERENCE REPORT ON HB 299

The committee of conference to which was referred House Bill No. 299, An Act to designate certain highways as bicycle trails and making an appropriation therefor, having considered the same report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the House and Senate pass the bill as amended by the Senate.

Rep. John H. Tilton  
Rep. Elizabeth Ladd  
Rep. Ralph Degnan Hough  
Rep. Roland J. Lefebvre  
Conferees on the Part of the House

Sen. Clesson J. Blaisdell  
Sen. Ward B. Brown  
Sen. Robert F. Preston  
Conferees on the Part of the Senate

Sen. Blaisdell moved that the Senate concur with the report.

Adopted.

Sen. Green moved that we reconsider our action whereby we adopt the enrolled bills amendment in respect to HB 940.

Adopted.

Sen. Green moved that HB 940 be laid on the table.

Adopted.

## RECESS

## OUT OF RECESS

HJR 5, creating a special committee on an electronic roll call system for the House of Representatives.

## COMMITTEE OF CONFERENCE REPORT ON HJR 5

The committee of conference to whom was referred HJR 5, a joint resolution creating a special committee on an electronic roll call system for the House of Representatives and making an appropriation for the purchase and installation thereof, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur in the adoption of the Senate amendment, and

That the House and Senate each pass the bill as amended by the Senate.

Sen. Ward B. Brown  
Sen. Eileen Foley  
Sen. C. R. Trowbridge  
Conferees on the Part of the Senate

Rep. Richard I. Ellis  
Rep. Robert E. Plourde  
Rep. Summer Raymond  
Rep. W. Douglas Scamman  
Conferees on the Part of the House

Adopted.

SB 112, relative to neglected, delinquent and abused children.

(See House Journal)

Sen. S. Smith moved that the Senate concur with the adoption of the Report.

Adopted.

HB 150, providing for solid waste disposal and resource recovery.

#### COMMITTEE OF CONFERENCE REPORT ON HB 150

The committee of conference to which was referred House Bill No. 150, An Act providing for solid waste disposal and resource recovery, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrency with the senate amendment, and

That the Senate recede from its position of adopting its amendment, and

That the House and Senate each pass the bill as amended by the House.

Sen. Frederick A. Porter  
Sen. C. R. Trowbridge  
Sen. Eileen Foley  
Conferees on the Part of the Senate

Rep. W. Douglas Scamman  
Rep. Robbins Milbank  
Rep. Janis R. Lint  
Rep. David J. Bradley  
Conferees on the Part of the House

Sen. Sanborn moved that the Senate concur with the adoption of the report.

Sen. SANBORN: In the striking out it takes out the incentive that we were going to give to our towns.

Adopted.

#### HOUSE CONCURRENCE WITH COMMITTEE OF CONFERENCE RECOMMENDATIONS TO

HB 475, relative to fees payable to cities and towns where racing meets are held.

HB 637, eliminating required tax escrow funds on certain savings bank mortgage loans and providing for payment of interest on all escrow accounts.

HB 640, authorizing the governor to enter into contracts with veterinary medical schools.

HB 910, relative to protecting consumers in the sale of consumer goods.

HB 923, enacting new salary grades for all classified and unclassified employees and establishing uniform overtime for classified employees.

#### HOUSE ADOPTION OF ENROLLED BILLS AMENDMENTS TO

HB 671, prohibiting the use of petroleum powered motorboats on Willard Pond in Antrim.

HB 478, permitting the sale of tickets known as lucky seven at beano games sponsored by charitable organization subject to rules and regulations established by the sweepstakes commission.

SB 170, increasing the number of members of the Boundary Commission, including a commercial fisherman, and providing for a study of both the Maine and the Massachusetts boundaries with New Hampshire.



HB 694, relative to institutional guardianships.

### ENROLLED BILLS AMENDMENT

SB 170, increasing the number of members of the Boundary Commission, including a commercial fisherman, and providing for a study of both the Maine and Massachusetts boundaries with New Hampshire.

### AMENDMENT

Amend section 10 of said bill by striking out the same and inserting in place thereof the following:

10 Effective Date. This act shall take effect upon passage.

Sen. R. Smith moved concurrence with the amendment.

Adopted.

HB 478, permitting the sale of tickets known as lucky seven at beano games sponsored by charitable organizations subject to rules and regulations established by the sweepstakes commission.

### AMENDMENT

Amend section 1 of the bill by striking out the first three lines of the section and inserting in place thereof the following:

1 Lucky Seven Tickets Authorized. Amend RSA 284 by inserting after section 21-s the following new section:

284:21-t Lucky Seven Tickets. Notwithstanding any other provisions of

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

HB 671, prohibiting the use of petroleum powered motor-boats on Willard Pond in Antrim.

### AMENDMENT

Amend section 1 of the bill by striking out line seven and inserting in place thereof the following:

provisions of this section shall be guilty of a violation

Amend section 2 of the bill by striking out said section and inserting in place thereof the following:

2 Effective Date. This act shall take effect November 2, 1973.

Sen. R. Smith moved concurrence with the amendment.

Amendment Adopted.

HB 117, relative to the qualification of municipal planning board members.

### AMENDMENT

Amend section 1 by striking out the first five lines and inserting in place thereof the following:

1 Qualification of Planning Board Members. Amend RSA 36:5, as amended, by striking out said section and inserting in place thereof the following:

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment Adopted.

### ENROLLED BILLS REPORT

HB 664, amending the conservation commission enabling act and permitting two planning board members to serve on other municipal boards or commission.

HB 834, relative to allowing members of standing and interim committees mileage for attending meetings.

HB 1036, authorizing local school districts to assess tuition costs, if federal funds are not available, for pupils living on federally owned or leased property.

SB 92, providing limited property tax exemption for all totally disabled veterans of any branch of the armed forces.

HB 1054, amending the powers of the legislative facilities committee.

Sen. Provost  
*For The Committee*

## RECESS

## AFTER RECESS

HOUSE ADOPTION OF COMMITTEE OF  
CONFERENCE RECOMMENDATIONS TO

HB 299, to designate certain highways as bicycle trails and making an appropriation.

SB 112, relative to neglected, delinquent and abused children.

Sen. Green moved that HB 940 be taken from the table.

Adopted.

HB 940, redistricting the city of Somersworth.

Sen. Green moved that the Senate concur with the enrolled bills amendment.

## AMENDMENT

Amend said bill by striking out section 6 and inserting in place thereof the following:

6 Effective Date. Section 2 of this act relative to the referendum, and section 5 relative to the verification of the checklists of the city of Somersworth, shall take effect upon passage of this act. If the act is adopted in accordance with the provisions of section 2, the remainder of the act shall take effect on January 1, 1974.

Amend the first line of section 2 of said bill by striking out the same and inserting in place thereof the following:

2 Referendum. The provisions of section 1, 3 and 4 hereof shall not take effect unless

Amendment Adopted.

## ENROLLED BILLS REPORT

HB 32, relative to the inspection of bridges and making an appropriation therefor.

HB 257, relative to the prohibition of certain promotional games at gas stations.

HB 539, establishing civil procedures relating to the admission and treatment of the mentally ill and making an appropriation therefor.

HB 694, relative to institutional guardianships.

HB 784, relative to hawkers and peddlers and street sales.

HB 247, relative to a two lane extension of the Spaulding Turnpike.

HB 10, relative to the registration and operation of off highway recreational vehicles and making an appropriation therefor.

Sen. Provost  
*For The Committee*

## COMMITTEE OF CONFERENCE REPORT

### COMMITTEE OF CONFERENCE REPORT ON HB 607

The committee of conference to which was referred HB 607, An Act limiting the right to suit and guaranteeing compensation for medical expenses and lost wages to persons involved in motor vehicle accidents, having considered the same report that the committee of conference is unable to agree.

Sen. Richard F. Ferdinando  
Sen. John H. McLaughlin  
Sen. David H. Bradley  
Conferees on the Part of the Senate

Rep. L. Waldo Bigelow, Jr.  
Rep. George B. Roberts, Jr.  
Rep. Eugene H. Woodward, Jr.  
Rep. Paul McEachern  
Conferees on the Part of the House

Sen. Ferdinando moved that the committee be discharged in respect to HB 607.

Adopted.

The Chair appointed as members to a committee of conference on HB 607, Sens. Ferdinando, McLaughlin and Bradley.

## RECESS

## OUT OF RECESS

## COMMITTEE OF CONFERENCE REPORT

HB 811, an act making appropriations for capital improvements.

## COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred House Bill No. 811, an act making appropriations for capital improvements, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the House concur in the adoption of the Senate amendment, and

That the House and Senate each adopt the following amendment to the bill:

## AMENDMENT

Amend the introductory paragraph to section I of the bill by striking out in lines one and two the words "twenty-one million five hundred forty-eight thousand three hundred and seventy dollars" and inserting in place thereof the following: (twenty-one million five hundred eight thousand three hundred seventy dollars), so said paragraph as amended shall read as follows:

I Appropriation. The sum of twenty-one million five hundred eight thousand three hundred seventy dollars is hereby appropriated for the projects detailed in this section for the purpose of capital improvement and long term repairs, which include such related improvements, facilities, equipment, and furnishings as are necessary to complete the same. The appropriations for the projects are as follows:

Amend section I, II of the bill by striking out said paragraph and inserting in place thereof the following:

II. Administration and Control



(a) Restore and refurbish legislative chambers and 3rd floor of state house	\$160,000*
(b) Refurbish exterior of state house	84,000
(c) Renovate first floor toilets	29,000
(d) Clean and paint exterior-state library	50,000
(e) Repairs to purchase and property warehouse	50,000

Total Paragraph II	373,000
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\*The projects for which these appropriations are made shall, notwithstanding any statutes to the contrary, be under the complete and sole control of the speaker of the house and president of the senate jointly. No part of this appropriation shall be expended for the Senate Chamber proper.

Amend section 1 of the bill by striking out the line "Total section 1 \$21,548,370" and inserting in place thereof the following:

Total section 1	\$21,508,370
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Amend section 2 of the bill by striking out after the line Total Section 2 \$10,324,000 the existing footnote and inserting in place thereof the following new footnote:

\*These funds shall not be transferred or used for any other purpose and is the total amount to be appropriated and/or expended for all renovation or conversion of the Elliot property to University use.

The following priorities in spending will apply:

1. Repairs to roofs.
2. Repairs to heating equipment and utilities to meet minimum applicable life safety code standards.
3. Minimum alterations required to make usable buildings for administrative and academic purposes.

Amend section 6 of the bill by striking out in lines three and four the words "thirty one million eight hundred seventy two thousand three hundred seventy dollars" and inserting in place thereof the following (thirty one million eight hundred thirty two thousand three hundred seventy dollars), so that said section as amended shall read as follows:

6 Bonds Authorized. To provide funds for the appropriations made in sections 1 and 2 of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of thirty one million eight hundred thirty two thousand three hundred seventy dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

Sen. Thomas J. Claveau  
Sen. Stephen W. Smith  
Sen. C. R. Trowbridge  
Conferees on the Part of the Senate

Rep. Sumner W. Raymond  
Rep. Arthur F. Mann  
Rep. Laurence N. Belair  
Rep. William F. Kidder  
Conferees on the Part of the House

Sen. Claveau moved that the Senate concur with the report.

Sen. CLAVEAU: The committee of conference agreed, the only difference is that we deducted \$40,000 for refurbishing the chambers on the third floor. Everything except that stated was accepted.

Adopted.

HB 395, relative to consumer credit reports.

#### COMMITTEE OF CONFERENCE REPORT ON HB 395

The committee of conference to which was referred House Bill No. 395, An Act relative to consumer credit reports, having considered the same report the same with the following recommendations:

That the House of Representatives recede from its position of nonconcurrency in the Senate amendment and concur with the Senate amendment, and the House and Senate each pass the bill as amended by the Senate.

Sen. David H. Bradley  
Sen. Robert F. Bossie  
Sen. Robert F. Preston  
Conferees on the Part of the Senate

Rep. Clarence E. Bartlett  
Rep. Joseph H. Deoss  
Rep. Elmer S. Wiggin  
Rep. David L. Gelinas  
Conferees on the Part of the House

Sen. Preston moved the Senate concur with the report.

Adopted.

#### ANNOUNCEMENT BY SPEAKER OF HOUSE

HB 768, relative to withdrawals from savings deposits.

The Speaker appointed Reps. Altman, Daniels, Barrus and David J. Bradley.

#### HOUSE ADOPTION OF COMMITTEE OF CONFERENCE RECOMMENDATION

HB 289, limiting banks which give mortgage loans on real property from levying certain service charges.

Sens. Downing and Blaisdell moved the Senate adjourn at 4:15 until tomorrow morning at 9:00 a.m.

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### *Friday, 29Jun73*

The Senate met at 9:00 a.m.

A quorum was present.

Prayer was led by the Rev. Dr. Vincent Fischer, Senate Chaplain.

O God, whose Holy Spirit seeks out and brings forth the good which is in each and every one of us.

We thank Thee for the fellowship which we have had together, which shall bind us each with one another even after the close of this session. When we take up once again our several vocations.

And Now! — May the Lord watch between me and thee, while we are absent one from another. Amen.

Sens. Brown and Bossie led the Pledge of Allegiance.

### SUSPENSION OF RULES

Sen. Trowbridge moved that the Joint Rules be so far suspended as to allow introduction of committee of conference reports, waiving the 24 hour notice of publication in the calendar.

Adopted.

### COMMITTEE OF CONFERENCE REPORTS

HB 141, relative to modification of the business profits tax.

### COMMITTEE OF CONFERENCE REPORT ON HB 141

The Committee of Conference to which was referred House Bill 141, An Act relative to modification of the business profits tax having considered the same report the same with the following recommendations:

1 That the House of Representatives recede from its position of nonconcurrency;

2 That the Senate recede from the adoption of its amendments to said bill; and

3 That the Senate and House adopt the following amendments and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Exemption from Filing Return. Amend RSA 77-A:6, I, as inserted by 1970, 5:1, by striking out said paragraph and inserting in place thereof the following:

I. Every business organization having gross business income in excess of six thousand dollars as defined by RSA 77-A:1, VI, during the taxable period, shall on or before the first day of the fifth month following expiration of its taxable period, make a return to the commission under such regulations and in such form or manner as the commission may prescribe. Returns shall contain full data as to all matters required by the commission for correct computation of taxable business profits and the tax assessed thereon. All returns shall be signed by the taxpayer

or by its authorized representative, subject to the pains and penalties of perjury.

2 Definitions. Amend RSA 77-A:1, IV, by striking out the word "allocation" in line two and inserting in its place the word (apportionment) so that said paragraph as amended shall read as follows:

IV. "Taxable Business Profits" means gross business profits reduced by the method of apportionment provided in RSA 77-A:3 and the deductions allowable under RSA 77-A:4.

3 Definitions. Amend RSA 77-A:1 by inserting after paragraph V the following new paragraphs:

VI. "Gross Business Income" means the total amount to be included for federal income tax purposes measured by the gross volume of business, in terms of gross sales, gross rents, gross receipts or in other terms, before any consideration is given to allowances or deductions for cost of sales, costs of operation or expenses. In the case of proprietorship or farm proprietorship or combination thereof, gross business income includes the aggregate of all amounts of gross business income reported for federal income tax purposes by the proprietor.

VII. "Prescribed Filing Date" means the original statutory due date, or approved extended due date.

VIII. "Prescribed Payment Date" means the original statutory due date.

4 Assessment of Late Filing Fee Discretionary. Amend RSA 77-A:6, III (supp), as inserted by 1971, 515:7, by inserting at the end thereof the following (Imposition of the fee provided for in this paragraph may be waived for cause at the discretion of the commission) so that said paragraph as amended shall read as follows:

6 Effective Date. Sections 1, 2 and 3 of this act shall apply to returns and taxes due on account of taxable periods ending on or after December 31, 1973. Section 4 and 5 shall take effect upon passage.

Sen. Delbert Downing  
Sen. Robert Preston  
Sen. Richard Green

Conferees on the Part of the Senate



Rep. David Nutt  
Rep. Sara Townsend  
Rep. Wilfred Cunningham  
Rep. David Huot  
Conferees on the Part of the House

Sen. Downing moved that the Senate adopt the report.

Adopted.

HB 193, requiring open vehicles to be covered when carrying particulate material.

#### COMMITTEE OF CONFERENCE REPORT ON HB 193

The committee of conference to which was referred HB 193, An Act requiring open vehicles to be covered when carrying particulate material, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the House and Senate adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended.

Amend RSA 249:52, V as inserted by section 2 of the bill by inserting after subparagraph (b) the following new subparagraph:

(c) The operation of any vehicle on a highway at speeds of less than thirty miles per hour.

Sen. Thomas J. Claveau  
Sen. Frederick A. Porter  
Sen. William F. Sanborn  
Conferees on the Part of the Senate

Rep. Sumner Raymond  
Rep. James Murray  
Rep. Arthur F. Mann  
Rep. Lorraine Lebel  
Conferees on the Part of the House

Sen. Sanborn moved that the Senate adopt the report.

**Adopted.**

HB 714, to define the offshore jurisdiction of the state and establishing a marine boundaries commission.

The committee of conference to which was referred HB 714, An Act to define the offshore jurisdiction of the state and establishing a marine boundaries commission, having considered the same, report the same with the following recommendation:

That the House recede from its position of nonconcurrency in the Senate amendments to the bill and concur in such amendments, and

That the House and Senate each adopt the following amendments to the bill as amended by the Senate and pass the bill as amended by the Senate and with the following amendments:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

to define the offshore jurisdiction of the state.

Amend section 1 of the bill by striking out line two and inserting in place thereof the following:

ing after section 13 the following new subdivision:

Amend RSA 1:12, I, as inserted by section 1 of the bill by striking out line eight and inserting in place thereof the following:

jurisdiction as defined in RSA 1:14. As to that section of the lateral marine

Amend RSA 1:12, II, as inserted by section 1 of the bill by striking out line three and inserting in place thereof the following:

the outward limits of state jurisdiction, as defined in RSA 1:14

Amend RSA 1:12, III, as inserted by section 1 of the bill by striking out line six and inserting in place thereof the following:

and within the limits defined in RSA 1:14.

Amend RSA 1:13 as inserted by section 1 of the bill by striking out lines two and nine and inserting in place thereof respectively the following:

enumerated in or described in RSA 1:14 and 15 shall be in this state. The state as defined in RSA 1:14, II and III.

Amend RSA 1:15 as inserted by section 1 of the bill by striking out lines one, four, and nine and inserting in place thereof respectively the following:

1:15 Law Enforcement Zone. Notwithstanding the provisions of RSA 1:17, marginal sea as defined in RSA 1:14, I, until such time as the governor by to the larger marine territory defined in RSA 1:14-16.

Amend RSA 1:11 through 16 as inserted by section 1 of the bill by renumbering said sections to read

1:14	1:15	1:16	1:17	1:18	1:19
respectively.					

Further amend the bill by striking out sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 and inserting in place thereof the following:

2 Repeal. RSA 211:19 relative to the definition of waters under the jurisdiction of the state, and all other acts and parts of acts inconsistent with this act are hereby repealed.

3 Effective Date. This act shall take effect upon passage.

Sen. Frederick A. Porter  
Sen. Eileen Foley  
Sen. Robert F. Preston  
Conferees on the Part of the Senate

Rep. George B. Roberts, Jr.  
Rep. Nelson H. Chamberlin  
Rep. Roger K. Warren  
Rep. Marian D. Woodruff  
Conferees on the Part of the House

Sen. Preston moved that the Senate adopt the report.

Adopted.

## ENROLLED BILLS AMENDMENT

SB 179, abolishing the restriction prohibiting state liquor stores from operating within close proximity to schools, churches and parish houses.

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to the proximity of state liquor stores to schools, churches and parish houses.

Sen. Provost moved that the Senate concur with the amendment.

Amendment Adopted.

## RECESS

## OUT OF RECESS

## ENROLLED BILLS REPORT

HB 289, limiting banks which give mortgage loans on real property from levying certain service charges.

HB 299, to designate certain highways as bicycle trails and making an appropriation therefor.

HB 478, permitting the sale of tickets known as lucky seven at beano games sponsored by charitable organizations subject to rules and regulations established by the sweepstakes commission.

HB 475, relative to fees payable to cities and towns where racing meets are held.

HB 671, prohibiting the use of petroleum powered motorboats on Willard Pond in Antrim.

SB 170, increasing the number of members of the Boundary Commission, including a commercial fisherman, and providing for a study of both the Maine and the Massachusetts boundaries with New Hampshire.

SB 182, providing for seven appointed members to the Manchester Airport Authority.

HB 637, eliminating required tax escrow funds on certain savings bank mortgage loans and providing for payment of interest on all escrow accounts.

HB 730, providing for regional vocational education programs and making an appropriation therefor.

HB 897, relative to the board and care of persons committed to the Laconia state school and training center, the New Hampshire hospital or the New Hampshire Home for the Elderly.

HB 910, relative to protecting consumers in the sale of consumer goods.

HB 150, providing for solid waste disposal and resource recovery.

Sen. Provost  
*For The Committee*

Sen. Brown moved that HB 1028 be taken from the table.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 1028

The committee of conference to which was referred House Bill No. 1028, An Act establishing the New Hampshire Transportation Authority; and making an appropriation therefor, having considered the same report the same with the following recommendation:

That the Senate recede from its position of nonconcurrence in the House amendment and concur in the adoption of the House amendment, and

That the Senate and the House each pass the bill as amended by the House.

Rep. George B. Roberts, Jr.  
Rep. Ernest R. Coutermarsh  
Rep. Stanley A. Hamel  
Rep. James A. Saggiotes  
Conferees on the Part of the House



Sen. Thomas J. Claveau  
Sen. William E. Sanborn  
Sen. Clesson J. Blaisdell  
Conferees on the Part of the Senate

Sens. Claveau, Sanborn and Blaisdell moved that the Senate concur with the report.

Adopted.

Sen. Blaisdell moved that the committee of conference with respect to HB 657 be discharged.

Adopted.

The Chair appointed as conferees in respect to HB 657 Sens. Brown, Blaisdell and Preston.

## RECESS

## OUT OF RECESS

### COMMITTEE OF CONFERENCE REPORT

SJR 19, making an appropriation for the planning and design of the proposed Alan B. Shepard State Park in Derry.

(See House Journal)

Sen. Brown moved that the Senate concur with the report.

Adopted.

SJR 8, relative to retirement credit for Mary S. Downey.

(See House Journal)

Sen. Ferdinando moved that the Senate concur with the report.

Adopted.

SB 76, relative to tuition payments for handicapped children and making an appropriation therefor.

(See House Journal)

Sen. Green moved that the Senate concur with the report.

Sen. TROWBRIDGE: For the record, Sen. Green, is it not true that the combination of the budget plus the \$500,000 in

SB 76, brings the amount available for education of the handicapped to \$1,900,000?

Sen. GREEN: Absolutely, Senator.

Adopted.

Sen. Bradley moved that HB 639 be taken from the table.

Adopted.

HB 639, relative to permitting the Lord's prayer or the Pledge of Allegiance in public schools at local option.

Sen. Bradley moved the following amendment.

#### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

##### AN ACT

permitting voluntary silent meditation  
in public schools at local option.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Declaration of Purpose. The general court declares it to be in the public interest to encourage school boards and school districts to authorize voluntary silent meditation in the public schools every day.

2 Adoption in School Districts. Amend RSA 194 by inserting after section 3 the following new section:

194:3-a Voluntary Silent Meditation in Public Schools. A school district may authorize voluntary silent meditation in the public schools in the following manner:

I. Upon unanimous vote of the school board; or

II. Upon approval by majority vote at any duly warned school district meeting in accordance with the procedure specified in RSA 197:1 or RSA 195:13.

3 Adoption in Cities. Amend RSA 47 by inserting after section 26 the following new subdivision:

Silent Meditation in Public Schools

47:27 Voluntary Silent Meditation in Public Schools. A city may authorize voluntary silent meditation in the public schools in the following manner:

I. Upon a vote of approval of two-thirds of the members of the school board; or

II. By voter referendum at any regular municipal election for the election of city officers. The question shall be placed on the official ballot upon a majority vote of the school board or upon submission of a petition signed by ten percent of the registered voters of the city to the school board. The provisions of this section shall be deemed to have been adopted upon approval by a majority of those voting on the question.

4 Effective Date. This act shall take effect sixty days after its passage.

Roll Call requested by Sen. Trowbridge, seconded by Sen. Foley.

Yeas: Sens. Lamontagne, S. Smith, Gardner, Bradley, Green, Jacobson, Spanos, Nixon, Trowbridge, Porter, McLaughlin, Claveau, R. Smith, Ferdinando, Sanborn, Provost, Brown, Bossie, Johnson, Downing, Preston and Foley.

Nays: 0.

Result: Yeas 20, Nays 0.

Sen. LAMONTAGNE: Isn't it true Sen. Bradley, that by not mentioning the Pledge of Allegiance that it leaves it in the same manner that it is now without a law?

Sen. BRADLEY: That's right.

Sen. GREEN: I rise in support of the amendment as presented.

Sen. JOHNSON: I rise in support of this amendment. This bill was introduced by two outstanding legislators from Strafford County and it's a good bill.

Sen. PRESTON: I want to go on record as favoring this bill.

Amendment Adopted.

Sens. Blaisdell and Poulsen being out of the Senate Chambers at the time of the roll call wished to be recorded as being in favor of the amendment to HB 639.

Sen. Bradley moved that HB 639 be placed on third reading and final passage at this time.

Adopted.

### Third reading and final passage

HB 639, permitting voluntary silent meditation in public schools at local option.

Adopted.

Sens. Lamontagne and Foley moved Reconsideration of HB 639 at this time.

Motion lost.

Sen. Bossie moved that HB 798 be taken from the table.

Adopted.

### COMMITTEE OF CONFERENCE REPORT ON HB 798

(See Journal of June 28)

Sen. Downing moved that the Senate concur with the report.

Adopted.

Sens. Bradley, Bossie, Trowbridge and Green wish to be recorded as being against the adoption of the committee of conference report in respect to HB 798.

Sen. Downing moved Reconsideration of our action on the committee of conference report in respect to HB 798.

Motion lost.

### COMMITTEE OF CONFERENCE REPORT

HB 888, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975.

## COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred House Bill No. 888, an act making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975, having considered the same report the same with the following recommendation:

That the House and Senate each adopt the following amendment to the bill:

Amend section 4, VI, (b), (1) of the bill by striking out the lines "Estimated source of funds for general building: General \$568,372 \$580,770" and inserting in place thereof the following:

=====

Estimated source of funds for general

buildings:

Rental transfers

General

\$159,900

408,472

\$167,300

413,470

Total

=====

\$568,372

=====

\$580,770

Amend section 4, VI, (b), (3) of the bill by striking out the lines "Estimated source of funds for health lab building: General \$222,945 \$230,524" and inserting in place thereof the following:

=====

Estimated source of funds for health lab

building:

Rental transfers

=====

\$222,945

=====

\$230,524

Amend section 4, VI, (b) of the bill by striking out the lines "Estimated source of funds for buildings and grounds: Highway \$159,579 \$164,552, General 816,710 837,103, Total \$976,289 \$1,001,655" and inserting in place thereof the following:

=====



## Estimated source of funds for buildings

and grounds:

Highway	\$159,579	\$164,552
Rental transfers	382,845	397,824
General	433,865	439,279

Total

\$1,001,655

Amend section 4, VI, (c) of the bill by striking out the lines "Estimated source of funds for purchase and property: General \$212,202 \$215,346" and inserting in place thereof the following:

## Estimated source of funds for purchase and

property:

Rental transfers

General

\$25,000	\$25,000
187,202	190,346

Total

\$212,202

Amend section 4, VI, (f) of the bill by striking out the lines "Estimated source of funds for telephone: General \$28,587 \$29,232" and inserting in place thereof the following:

## Estimated source of funds for telephone:

User fee transfers

General

\$13,400	\$13,700
15,187	15,532

Total

28,587

\$29,232

Amend section 4, VI of the bill by striking out the lines "Estimated source of funds for administration and control programs: Highway \$159,579 \$164,552, General 1,688,466 1,582,529, Total \$1,848,045 \$1,747,081" and inserting in place thereof the following:

Estimated source of funds for administration and control programs:		
Highway	\$159,579	\$164,552
Other	421,245	436,524
General	1,267,221	1,146,005
Total	<u>\$1,848,045</u>	<u>\$1,747,081</u>

Amend section 4 of the bill by striking out the lines "Estimated source of funds for administration and control: Highway \$159,579 \$164,552, Other 244,578 226,529, General 2,359,311 2,260,055, Total \$2,763,468 \$2,651,136" and inserting in place thereof the following:

Estimated source of funds for administration and control:		
Highway	\$159,579	\$164,552
Other	665,823	663,053
General	1,938,066	1,823,531
Total	<u>\$2,763,468</u>	<u>\$2,651,136</u>

Amend section 6 of the bill by striking out the same and inserting in place thereof the following:

	FISCAL 1974	FISCAL 1975
6 Personnel department:		
Salary of director	\$20,217	\$20,244
Salary of deputy director	17,036	17,460
Other personal services:		
Permanent	128,720	129,815
Other	8,923	9,001
Current expenses	12,210	12,210
Travel:		
In state	2,480	2,480
Out of state	600	600
Equipment	3,956	1,455
Other expenditures:		
Benefits	13,664	14,192
Total for personnel department	\$207,806	\$207,457
Estimated source of funds for personnel department:		
Transfers from grant-in-aid agencies	\$30,900*	\$30,800*
Revenue from municipal examinations	1,000**	1,000**
General	175,906	175,657
Total	\$207,806	\$207,457

\*Transfers from grant-in-aid agencies in excess of estimates may be expended upon prior approval of the governor and council.

\*\*Revenue in excess of the estimate resulting from municipal examinations may be expended with prior approval of the governor and council.

Amend section 20 of the bill by striking out the line "Other 120,000\* 140,000\*" and inserting in place thereof the following:  
Other 120,000\*

Further amend section 20 of the bill by striking out all after the line Out of state 1,000 1,000 and inserting in place thereof the following:

Other expenditures:		
Benefits	11,926	13,788
Total for greyhound racing commission		
Estimated source of funds for greyhound racing commission:		
General	\$193,870	\$221,923
	\$193,870	\$221,923

\*\*In this appropriation \$25,000 for 1974 and \$30,000 for 1975 shall be for lab services performed by the horse racing commission for the greyhound racing commission, and shall not be transferred or expended for any other purpose.

\*Such portion of this amount that constitute the compensation of the official judge of the Greyhound Racing Commission, shall be reimbursed to the State by the person, association, or corporation conducting the race or meet and such reimbursement shall include the employer's share of OASI taxes. Such funds shall be deposited as unrestricted revenue. The commission may establish the salary of the official judge, and any additional amount paid for this purpose over the sum appropriated for this in "Other personal services" shall be reimbursed to the state by the track, including OASI, and the funds reimbursed shall be credited to the appropriation for "Other personal services."

Such portion of this amount that constitutes the compensation of greyhound inspectors is to be utilized to provide for inspection of greyhounds only, and may not be utilized to provide for any grandstand or clubhouse area policing activities.

Amend section 25, of the bill by striking out all after paragraph IV and inserting in place thereof the following:

V Workmen's compensation:

Personal services:

Permanent

\$56,061\*  
9,000

Current expenses

\$57,056\*  
5,500

Travel:

In state

200

240

Out of state

165

165

Equipment

982

—

Other expenditures:

Benefits

5,045

5,135

Total

\$71,453

\$68,096

Estimated source of funds for workmen's

compensation:

General

\$71,453

\$68,096

Total for department of labor

\$365,957b

\$364,658b

Estimated source of funds for department of

labor:

Federal

\$16,710

\$17,405

General

349,247

347,253

Total

\$365,957

\$364,658

\*This appropriation includes the transfer of the Clerk-Typist II from labor statistics.



Amend section 26, I of the bill by striking out the same and inserting in place thereof the following:

I Revenue collection:		
Salaries of three commissioners	\$65,160	\$65,160
Other personal services:		
Permanent	2,807,558	2,857,739
Other	530,000	530,000
Current expenses	1,300,900	1,380,800
Travel:		
In state	18,000	18,000
Out of state	3,500	3,500
Equipment	310,000	305,000
Other expenditures:		
Contingency fund	25,000f	—
Data processing rent	117,600d	134,400d
Miscellaneous data processing expense	42,200d	42,200d
Benefits	306,245	310,761
Total	<u>\$5,526,163</u>	<u>\$5,647,560</u>
Estimated source of funds for revenue collection:		
Sweepstakes sales	\$100,000	\$100,000
General	5,426,163	5,547,560
Total	<u>\$5,526,163</u>	<u>\$5,647,560</u>

Further amend section 26 of the bill by striking out the lines "Total for liquor commission \$6,144,299\* \$6,220,164\*, Estimated source of funds for liquor commission: Other \$100,000 \$100,000, General 6,044,299 6,120,164, Total \$6,144,299 \$6,220,164" and inserting in place thereof the following:

Total for liquor commission	<u>\$5,862,115*</u>	<u>\$5,985,443*</u>
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Estimated source of funds for liquor

commission:

Other	\$100,000	\$100,000
General	5,762,115	5,885,443

Total

	<u>\$5,862,115</u>	<u>\$5,985,443</u>
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Amend section 35, IV of the bill by striking out the line "Printing, advertising, branch offices 220,000\*" and inserting in place thereof the following:

Printing, advertising, branch offices	205,000*	205,000*
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Further amend section 35, IV by striking out the lines "Total \$365,987 \$363,680, Estimated source of funds for economic development — travel promotion: General \$365,987 \$363,680" and inserting in place thereof the following:

Total	<u>\$350,987</u>	<u>\$348,680</u>
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Estimated source of funds for economic development — travel promotion:

General

\$350,987

\$348,680

Amend section 35, VII, (b) of the bill by striking out the same and inserting in place thereof the following:

(b) Parks — self-supporting:

Personal services:

Permanent \$461,794

Other 330,470

Current expenses 180,000

Travel:

In state 500

Out of state 250

Equipment 71,100

Other expenditures:

Major repairs 50,000\*

Insurance (liability) 35,000

Snow making and snow grooming 50,000

Benefits 71,303

\$463,518

\$30,470

180,000

500

250

49,900

35,000\*

35,000

50,000

71,459

Total

\$1,250,417

\$1,216,097

\*Major repair funds appropriated may be charged for temporary personnel and travel expenditures incident to major repair proj-

ccl3.

Amend section 35, VII, (c) of the bill by striking out the line "Other 537,000 537,000" and inserting in place thereof the following:

Other	502,000	502,000
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Further amend section 35, VII, (c) of the bill by striking out the lines "Benefits 58,149 58,224, Snowmobile maintenance program 20,000, Total \$921,350 \$914,397" and inserting in place thereof the following:

Benefits	54,999	55,074
Snowmobile maintenance program	20,000	20,000

Total	\$883,200	\$876,247
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Further amend section 35, VII by striking out the lines "Total \$3,354,474 \$3,295,943, Estimated source of funds for parks and rec-

reation: Hampton parking meters \$50,000	\$50,000	894,474	725,943	Total \$3,354,474	\$3,
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354,474 \$3,295,943" and inserting in place thereof the following:

Total	\$3,295,424	\$3,228,893
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Estimated source of funds for parks and

recreation:

Hampton parking meters	\$50,000	\$50,000
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Recreation	2,470,000	2,250,000
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General	775,424	658,893
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Total	\$3,295,424	\$3,228,893
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Amend section 35 of the bill by striking out the lines "Total for resources and economic development \$5,502,146 \$5,420,054, Estimated source of funds for resources and economic development: Federal \$161,000 \$133,000, Other 2,570,000 2,625,000, General 2,771,-

146 2,662,054, Total \$5,502,146 \$5,420,054" and inserting in place thereof the following:

Total for resources and economic development	\$5,428,096	\$5,338,004
Estimated source of funds for resources and economic development:		
Federal	\$161,000	\$133,000
Other	2,570,000	2,625,000
General	2,697,096	2,580,004
Total	\$5,428,096	\$5,338,004

Amend section 44, I of the bill by striking out all after the line Other expenditures: and inserting in place thereof the following:

Third party grants	20,000a	25,000a
Senior citizens day	1,250	1,250
Benefits	21,503	21,842
Total	\$481,553	\$449,707



## Estimated source of funds for administration

## and support:

Federal	\$351,590	\$310,000
General	129,963	139,707
Total	<u>\$481,553</u>	<u>\$449,707</u>

Further amend section 44 of the bill by striking out the lines "Total for new hampshire state council on aging \$1,874,053 \$2,064,-

707, Estimated source of funds for new hampshire state council on aging: Federal \$1,739,090 \$1,910,000, General 134,963 154,707,

Total \$1,874,053 \$2,064,707" and inserting in place thereof the following:

Total for new hampshire state council on  
aging

\$1,869,053	<u>\$2,049,707</u>
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## Estimated source of funds for new hampshire

## state council on aging:

Federal	\$1,739,090	\$1,910,000
General	129,963	139,707
Total	<u>\$1,869,053</u>	<u>\$2,049,707</u>

Amend section 46, IV, (a), (2) of the bill by striking out the lines "Federal \$85,500 \$85,500, General 2,223,577 2,908,868" and inserting in place thereof the following:

Federal	\$513,277	\$914,468
General	1,795,800	2,079,900

Further amend section 46, IV, (a), (2) of the bill by striking out the footnote and inserting in place thereof the following:

•These funds shall not be expended for any other purpose, shall be non-lapsing in the first year of the biennium, and if sufficient funds are not available for both years of the biennium for full implementation, these funds shall be prorated. Notwithstanding other provisions of law, funds appropriated herein for the Comprehensive Mental Health Centers shall be available after applying to the Governor and Council for said funds and certifying that all federal funds, which might be available for the operation of said center, have been pursued and it has been resolved that funds from federal sources will not be available, the Governor and Council may approve beginning with July of 1973 the payment of monthly allotments of 1/12 of the funds appropriated to the requesting comprehensive mental health agency.

Amend section 46, IV of the bill by striking out the lines "Estimated source of funds for division of mental health: Federal \$450,304 \$191,281, Maintenance refund 81,500 82,500, Student fees 4,000 2,000, General 18,683,116 20,671,972, Total \$19,224,920 \$20,947,753" and inserting in place thereof the following:

Estimated source of funds for division of  
mental health:

Federal	\$884,081	\$1,020,249
Maintenance refund	81,500	82,500
Student fees	4,000	2,000
General	18,255,339	19,843,004
Total	<u>\$19,224,920</u>	<u>\$20,947,753</u>

Amend section 46, V, (j), (3) of the bill by striking out the line "Permanent \$235,329 \$256,085" and inserting in place thereof the following:

Permanent	\$213,851	\$214,434
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Further amend section 46, V, (j), (3) by striking out the lines "Benefits 19,469 20,178, Total \$279,298 \$280,763, Estimated source of funds for community services and administration: General \$279,298 \$280,763" and inserting in place thereof the following:

Benefits	19,696	19,749
Total	<u>\$258,047</u>	<u>\$258,683</u>
Estimated source of funds for community services and administration:		
General	<u>\$258,047</u>	<u>\$258,683</u>

Amend section 46, V, (j) by striking out the line "Total \$880,858 \$632,145" and inserting in place thereof the following:

Total	<u>\$859,607</u>	<u>\$610,065</u>
Further amend section 46, V, (j) of the bill by striking out the lines "General 279,298 280,763, Total \$880,858 \$582,078" and inserting in place thereof the following:		
General	<u>258,047</u>	<u>208,616</u>
Total	<u>\$859,607</u>	<u>\$610,065</u>

Amend section 46, V of the bill by striking out the line "Total \$5,542,108 \$5,709,212," and inserting in place thereof the following:

Total	<u>\$5,520,857</u>	<u>\$5,687,132</u>
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Further amend section 46, (V) of the bill by striking out the lines "General 2,023,989 2,118,605, Total \$5,542,108 \$5,709,212" and inserting in place thereof the following:

General	<u>2,002,738</u>	<u>2,096,525</u>
Total	<u>\$5,520,857</u>	<u>\$5,687,132</u>

Amend section 46 of the bill by striking out the lines "Total for department of health and welfare \$78,267,819 \$81,366,477, Estimated source of funds for department of health and welfare: Federal \$35,995,230 \$35,707,529, Other 4,423,525 4,530,510, General 37,-

849,064 41,128,438, Total \$78,267,819 \$81,366,438" and inserting in place thereof the following:

Total for department of health and welfare	<u>\$78,246,568</u>	<u>\$81,344,397</u>
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Estimated source of funds for department of health and welfare:

Federal	<u>\$36,423,007</u>	<u>\$36,536,497</u>
Other	<u>4,423,525</u>	<u>4,530,510</u>
General	<u>37,400,036</u>	<u>40,277,390</u>
Total	<u>\$78,246,568</u>	<u>\$81,344,397</u>

Amend the bill by striking out section 50 and inserting in place thereof the following:

50 Coordinating board of advanced education

and accreditation:

Other personal services:

Other

Current expenses

Travel:

In state

Out of state

Other expenditures:

Benefits

Total for coordinating board of advanced  
education and accreditation

Estimated source of funds for coordinating  
board of advanced education and ac-  
creditation:

General

Amend section 51, XVIII of the bill by striking out the line "Area vocational schools 250,000 300,000" and inserting in place  
thereof the following:

Area vocational schools

Further amend section 51, XVII of the bill by striking out the lines "Total \$2,285,684 \$2,336,594, Estimated source of funds for  
program services — vocational technical: Federal \$1,898,561 \$1,898,495, General \$87,123 438,099, Total \$2,285,684 \$2,336,594" and in-  
serting in place thereof the following:

Total

FISCAL 1976

FISCAL 1974

\$12,000

1,500

450

600

887

\$15,437

\$15,437

\$15,437

\$15,437

250,000

200,000

\$2,286,594

\$2,235,684



Estimated source of funds for program services — vocational technical:

Federal	\$1,898,561	\$1,898,495
General	337,123	388,099
	<u>          </u>	<u>          </u>
Total	\$2,235,684	\$2,286,594
	<u>          </u>	<u>          </u>

Further amend section 51 of the bill by striking out the lines "Total for department of education: \$32,540,529 \$34,738,350, Es-

timated source of funds for department of education: Federal \$13,744,946 \$15,311,400, Other 3,395,524 3,645,608, General 15,400,059

15,781,342, Total \$32,540,529 \$34,738,350" and inserting in place thereof the following:

Total for department of education	<u>\$32,490,529</u>	<u>\$34,688,350</u>
	<u>          </u>	<u>          </u>

Estimated source of funds for department of education:

Federal	\$13,744,946	\$15,311,400
Other	3,395,524	3,645,608
General	15,350,059	15,731,342
	<u>          </u>	<u>          </u>
Total	\$32,490,529	\$34,688,350
	<u>          </u>	<u>          </u>

Amend section 52 of the bill by striking out the same and inserting in place thereof the following:

52 Higher education facilities commission:

Personal services:

	FISCAL 1974	FISCAL 1975
Other	\$15,902	\$15,902
Current expenses	1,500	1,500
Travel:		
In state	200	200
Out of state	1,500	1,500
Other expenditures:		
Benefits	672	672

Total for higher education facilities  
commission

\$19,744

Estimated source of funds for higher educa-  
tion facilities commission:

Federal

\$19,744

Amend section 56, I of the bill by striking out the same and inserting in place thereof the following:

I University of new hampshire — durham:

Total

\$36,296,480

## Estimated source of funds for durham:

Federal	\$191,000	\$121,000
Auxiliary enterprises	7,178,300	7,493,300
Other	13,569,000	13,750,000
Sponsored res. & education program	5,000,000	5,000,000
General	8,807,620	9,932,180
Total	<u>\$34,745,920</u>	<u>\$36,296,480</u>

Further amend section 56 of the bill by striking out the lines "Total for higher education fund \$55,223,570+" \$57,014,958+, Esti-

mated source of funds for higher education fund: Federal \$1,543,700 \$1,473,900, Other 36,145,033 37,144,404, General 17,534,837 18,-

396,654, Total \$55,223,570 \$57,014,958" and inserting in place thereof the following:

Total for higher education fund	<u>\$54,791,090+</u>	<u>\$56,597,438+</u>
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## Estimated source of funds for higher educa-

## tion fund:

Federal	\$1,543,700	\$1,473,900
Other	36,145,033	37,144,404
General	17,102,357	17,979,134
Total	<u>\$54,791,090</u>	<u>\$56,597,438</u>

Further amend section 56 of the bill by striking out the last paragraph of the footnote "Included in this figure is an amount of 6% salary increase for exempt, non-exempt, increments for non-exempts and temporary employees of the University system. Also for such benefits as may apply." and inserting in place thereof the following:

Included in this figure is an amount of 6% salary increase for exempt, non-exempt, regular and temporary employees of the University system including annual increments and staff benefits where applicable.

Amend section 58 of the bill by striking out the same and inserting in place thereof the following:

	FISCAL 1974	FISCAL 1975
58 Summary:		
I Total appropriation for general government as included in sections 2 thru and including 10	\$19,125,368	\$20,608,490
Estimated source of funds for general government as included in sections 2 thru and including 10		
Federal	\$6,188,619	\$6,651,619
Highway	159,579	164,552
Other	2,274,607	2,552,140
General	10,502,563	11,240,179
Total	\$19,125,368	\$20,608,490
II Total appropriation for administration of justice and public protection as included in sections 11 thru and including 32	\$24,797,348	\$25,580,215

Estimated source of funds for administration of justice and public protection as included in sections 11 thru and including 32

Federal	\$375,084	\$367,327
Highway	6,130,500	6,317,023
Other	3,376,779	3,812,347
General	14,914,985	14,883,518
Total	<u>\$24,797,348</u>	<u>\$25,380,215</u>

III Total appropriation for resource protection and development as included in sections 33 thru and including 37

	<u>\$12,959,817</u>	<u>\$14,028,820</u>
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Estimated source of funds for resource protection and development as included in sections 33 thru and including 37

Federal	\$815,948	\$755,036
Fish and game	2,276,812	2,329,513
Other	3,371,214	3,437,799
General	6,495,843	7,506,472
Total	<u>\$12,959,817</u>	<u>\$14,028,820</u>

IV Total appropriation for transportation as included in sections 38 thru and including 43

	<u>\$88,451,954</u>	<u>\$88,688,044</u>
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Estimated source of funds for transportation as included in sections 38 thru and including 43	
Federal	\$25,382,400
Highway	55,601,089
Other	7,094,588
General	609,967
Total	<u>\$88,688,044</u>
V Total appropriation for health and social services as included in sections 44 thru and including 48	
	<u>\$83,980,111</u>
Estimated source of funds for health and social services as included in sections 44 thru and including 48	
Federal	\$38,446,497
Other	4,783,943
General	40,749,671
Total	<u>\$83,980,111</u>
VI Total appropriation for education as included in sections 49 thru and including 56	
	<u>\$93,879,046</u>

Estimated source of funds for education as included in sections 49 thru and including 56

Federal	\$15,722,520	\$17,219,174
Other	41,146,886	42,300,104
General	33,102,308	34,359,768
Total	<u>\$89,971,714</u>	<u>\$93,879,046</u>

Total appropriation for HB 888 as included in sections 2 thru and including 56

\$316,013,448	\$326,564,726
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Estimated source of funds for HB 888 as included in sections 2 thru and including 56

Federal	\$86,646,668	\$88,822,053
Fish and game	2,276,812	2,329,513
Highway	61,370,221	62,082,664
Other	62,224,153	63,980,921
General	103,495,594	109,349,575
Total	<u>\$316,013,448</u>	<u>\$326,564,726</u>

Amend section 63 of the bill by striking out the same and inserting in place thereof the following section:

63 Estimated Federal Funds. If under any appropriation in section 2 thru 56, excepting section 46, IV, (a), (2), the federal grant received is less than estimated, the total appropriation shall be reduced by the amount of reduction in federal estimates and the applicable state matching funds. If the applicable state matching funds are included in a section or sections other than the section or sections in which the federal grants are estimated, the appropriation reductions shall be made in the applicable sections. The provisions of this section shall not apply to revenue sharing funds.

Sen. Trowbridge moved that the Senate concur with the report.

Sen. SANBORN: For the record, Sen. Trowbridge, can you tell me what liquor stores are still in?

Sen. TROWBRIDGE: The committee of conference has made the determination that the three liquor stores involved are West Lebanon, Raymond, and Troy-Fitzwilliam.

Adopted.

## RECESS

### AFTER RECESS

#### HOUSE ADOPTION OF COMMITTEE OF CONFERENCE RECOMMENDATION TO

HB 141, relative to modification of the business profits tax.

HB 193, requiring open vehicles to be covered when carrying particulate material.

HB 292, providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus.

SB 76, relative to tuition payments for handicapped children and making an appropriation therefor.

SB 230, relative to child support payments.

HB 714, to define the offshore jurisdiction of the State and establishing a Marine Boundaries Commission.

SJR 8, relative to retirement credit for Mary S. Downey.

#### HOUSE ADOPTION OF ENROLLED BILLS AMENDMENTS TO

SB 179, abolishing the restriction prohibiting state liquor stores from operating within close proximity to schools, churches and parish houses.

HB 640, authorizing the governor to enter into contracts with veterinary medical schools.

HB 940, redistricting the city of Somersworth.

## ENROLLED BILLS AMENDMENTS

HB 640, authorizing the governor to enter into agreements with veterinary medical schools. Ought to pass. Sen. R. Smith for the Committee.

## AMENDMENT

Amend RSA 332-E:2 as inserted by section 1 of the bill by striking out in line five the reference "RSA 332-E:3" and inserting in place thereof the following:

RSA 332-E:4

Further amend section 1 of the bill by renumbering 332-E:4; 332-E:5; 332-E:6; 332-E:7; and 332-E:8; to read respectively as follows:

332-E:3      332-E:4      332-E:5      332-E:6      332-E:7

Amendment adopted.

SB 112, relative to neglected, delinquent and abused children. Ought to pass. Sen. R. Smith for the Committee.

## AMENDMENT

Amend section 1 of the bill by striking out said section and renumbering sections 2, 3, 4, 5, 6, 7, 8, and 9 to read, respectively as follows:

1      2      3      4      5      6      7      8

Amend RSA 169:14 as inserted by section 5 of the bill by striking out in line five the word "eighteen" and inserting in place thereof the following:

seventeen

Amendment adopted.

## COMMITTEE OF CONFERENCE REPORT

HB 755, conferring immunity from civil suit on municipal executives acting in their official capacity.

The committee of conference to which was referred HB 755, An Act conferring immunity from civil suit on municipal executives acting in their official capacity, having considered the same, report the same with the following recommendation:

That the House of Representatives recede from its position of nonconcurrence with the Senate amendment, and the Senate recede from its position in adopting its amendment, and the House and Senate each adopt the following amendment to the bill:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### AN ACT

conferring immunity from civil suit on municipal executives acting in their official capacity and providing for indemnification of officers and employees of municipalities and school districts from liability for damages and allowing municipalities to purchase insurance therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision. Amend RSA 31 by inserting after section 98 the following new subdivision:

#### Liability for Damages Limited, Indemnification, Insurance

31:99 Liability of Municipal Executives. Notwithstanding any provisions of law to the contrary, no member of the governing board of any municipal corporation or political subdivision; no member of any other board, commission, or bureau of any municipal corporation or political subdivision created or existing pursuant to a statute or charter, and no chief executive officer of such municipal corporation or political subdivisions, including but not limited to city councilors and aldermen, selectmen, county convention members, members of boards of adjustment, members of planning boards, school board members, mayors, city managers, town managers, county commissioners, and school superintendents shall be held liable for civil damages for any vote, resolution or decision made by said person acting in his official capacity in good faith and within the scope of his authority.

31:100 Indemnification for Damages. A city, town, county, village district or precinct, school district, supervisory union, or any other municipal corporation or political subdivision may



by a vote of the governing body indemnify and save harmless for loss or damage occurring after said vote any person employed by it and any member or officer of its governing board, administrative staff or agencies including but not limited to selectmen, school board members, city councilors and aldermen, town and city managers and superintendents of schools from personal financial loss and expenses including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of negligence or other act resulting in accidental injury to a person or accidental damage to or destruction of property if the indemnified person at the time of the accident resulting in the injury, damage or destruction was acting in the scope of his employment or office.

31:101 Indemnification; Civil Rights Suits. All cities, towns, counties, village districts and precincts, school districts, supervisory unions and other municipal corporations and political subdivisions shall indemnify and save harmless any person employed by it and any member or officer of its governing board, administrative staff or agencies including but not limited to selectmen, school board members, city councilors and aldermen, town and city managers and superintendents of schools from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of any act or omission constituting a violation of the civil rights of an employee, teacher or student or any other person under any federal law if such act or omission was not committed with malice, and if the indemnified person at the time of such act or omission was acting within the scope of his employment or office.

31:102 Purchase of Insurance. A political entity permitted or required to indemnify its officers and employees under RSA 31:100 and 101 may purchase a comprehensive general liability insurance policy necessary to protect itself and its officers and employees against such liability. The insurance policy may be issued by any insurance company organized or authorized to do business in this state.

31:103 Attachment, Trustee Process Prohibited. No attachment or trustee process shall be available or allowed where immunity has been granted pursuant to RSA 31:99 or where indemnification has been voted pursuant to RSA 31:100 or where indemnification is required pursuant to RSA 31:101.

2 Effective Date. This act shall take effect January 1, 1974.

Sen. David H. Bradley  
Sen. Andrew W. Poulsen  
Sen. Clesson J. Blaisdell  
Conferees on the Part of the Senate

Rep. Frank A. Nutting, Jr.  
Rep. George I. Wiggins  
Rep. Elmer H. Close  
Rep. Robert B. Buckley, Jr.  
Conferees on the Part of the House

Sen. Bradley moved that the Senate concur with the report.

Adopted.

SB 149, relative to the location of hearings for proposed electric power plant and major transmission sitings.

(See House Journal)

Sen. S. Smith moved that the Senate concur with the report.

Adopted.

SB 230, relative to child support payments.

(See House Journal)

Sen. Bradley moved that the Senate concur with the report.

Adopted.

HB 438, relative to habitual offenders of the motor vehicle laws.

The committee of conference to which was referred HB 438, An Act relative to habitual offenders of the motor vehicle laws, havng considered the same report the same with the following recommendation:

That the House of Representatives recede from its position of nonconcurrence with the Senate amendment and the Senate recede from its position of adopting its amendment and the House and Senate each adopt the following amendment to the bill:

Amend section 5 of the bill by striking out said section and inserting in place thereof the following:

5 Mandatory Minimum Penalty. Amend RSA 262-B:7 (supp) as inserted by 1969, 433:1 by striking out said section and inserting in place thereof the following:

262-B:7 Penalty.

I. It shall be unlawful for any person to operate any motor vehicle on the public highways of this state while the order of the court prohibiting such operation remains in effect. If any person found to be an habitual offender under the provisions of this chapter is thereafter convicted of operating a motor vehicle on the public highways of this state while the order of the court prohibiting such operation is in effect, he shall, notwithstanding the provisions of RSA Title LXII be sentenced to imprisonment for not less than a year nor more than five years. No portion of the aforesaid minimum mandatory sentence shall be suspended, and no case brought to enforce this chapter shall be continued for sentencing; provided however, that any sentence or part thereof imposed pursuant to this section may be suspended in cases in which the operation of a motor vehicle was necessitated by situations of apparent extreme emergency which required such operation to save life or limb.

II. For the purpose of enforcing this section, any case in which the accused is charged with driving a motor vehicle while his license, permit or privilege to drive is suspended or revoked, or is charged with driving without a license, the court before hearing such charge shall determine whether such person has been held an habitual offender and by reason of such holding is barred from operating a motor vehicle on the public highways of this state.

Sen. David H. Bradley  
Sen. Thomas J. Claveau  
Sen. Robert F. Bossie  
Conferees on the Part of the Senate

Rep. Esther R. Nighswander  
Rep. Robert B. Buckley, Jr.  
Rep. Philip R. Currier  
Rep. H. Gwendolyn Jones  
Conferees on the Part of the House

Sen. Bradley moved that the Senate concur with the report.

Adopted.

HB 912, conforming state pollution control statutes to the federal requirements.

The committee of conference to which was referred HB 912, An Act conforming state pollution control statutes to the federal requirements, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the House and Senate adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended.

Amend section 6 of the bill by striking out the said section and inserting in place thereof the following new section:

6 Additional Duties. Amend RSA 149:4 by inserting after paragraph XV the following new paragraph:

XVI. To establish and prescribe physical, chemical and biological pretreatment standards to which waste must conform before discharge into the collector system of a municipality being served by or under order to construct a public sewage treatment facility. In establishing and prescribing pretreatment standards, the commission shall give consideration to (a) the treatment capabilities and operating efficiency of the facilities to which they apply, and (b) the discharge criteria applicable to the facility in order for it to conform to established water quality standards for the receiving water, as expressed in the discharge permit or compliance order issued to the municipality, and (c) toxic effluent standards, and (d) such standards as will prevent the discharge of any pollutant through the facility that interferes with, passes through without being rendered innocuous or is otherwise incompatible with the effective operation of the facility.

XVII. To issue rules and regulations in interpretation of and implementation of this chapter. Notwithstanding the generality of the foregoing, such regulations shall ensure adequate public notice and public participation in the issuance of such rules and regulations, and in the issuance of any permits to dis-

charge waste to any surface waters of the state, including procedures for the submission of written comments and public hearings where appropriate.

XVIII. To enter into, with the consent of the governor and council, cooperative agreements with the United States Environmental Protection Agency or any other federal agency having jurisdiction in the premises relative to any joint state-federal water pollution enforcement abatement and control programs authorized by law, and involving the issuance of discharge permits.

Amend RSA 149:13, III as inserted by section 9 of the bill by striking out said paragraph and inserting in place thereof the following:

III. Any other provisions of law notwithstanding, upon a showing satisfactory to the commission by any person that any record, report, or information or any particular part thereof, to which the commission has access, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the commission shall consider such record, report, information or particular part thereof confidential and it shall thereafter not be disclosed to the public. All financial information shall be considered confidential for purposes of this chapter. Nothing in this section shall preclude the commission from transmitting any such confidential information to any agency of the United States having jurisdiction over water pollution, provided that such agency is authorized by law to maintain the confidentiality of such information and agrees to maintain the confidentiality of any such information.

Amend RSA 149-B:9 as inserted by section 15 of the bill by striking out said section and inserting in place thereof the following:

149-B:9 Adoption of Federal Regulation. The commission may adopt as state regulations any federal regulations or guidelines issued by the administrator of the United States Environmental Protection Agency which are consistent with this chapter.

Sen. Frederick A. Porter

Sen. Eileen Foley

Sen. Ward B. Brown

Conferees on the Part of the Senate



Rep. George D. Kopperl  
Rep. Stanley H. Williamson  
Rep. Henry H. Page  
Rep. Patrick P. Tanner  
Conferees on the Part of the House

Sen. Foley moved adoption of the report.

Adopted.

HB 509, increasing the salaries of the classified and unclassified employees and making an appropriation therefor.

The committee of conference to which was referred HB 509, An Act increasing the salaries of the classified and unclassified employees and making an appropriation therefor, having considered the same report the same with the following recommendations:

That the House of Representatives recede from its position of nonconcurrency in the Senate amendments and concur in the adoption of the Senate amendments and the House and Senate each adopt the following amendments to the bill:

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### AN ACT

increasing the salaries of the classified, and unclassified employees and making an appropriation therefor and providing for an associate commissioner of public works and highways and providing for a deputy commissioner of safety and providing for additional assistant business supervisor.

Amend section 5 of the bill by striking out the same and inserting in place thereof the following:

5 Unclassified Salaries for the First Year of the Biennium. Amend RSA 94:1 (supp), as amended, by striking out said section and inserting in place thereof the following:

94:1 Salaries Established. The salary ranges for the positions set forth shall be as follows, commencing on June 22, 1973:

	<i>Minimum</i>	<i>Maximum</i>
Governor	\$	\$32,760
Chief justice, supreme court		32,700
Chief justice, superior court		32,600
Associate justice, supreme court		32,500
Associate justice, superior court		32,400
Judges, probate court		10,920
Racing commissioners		3,407
Sweepstakes commissioner, chairman		5,111
Sweepstakes commissioners		2,726
Adjutant general	16,626	18,704
Assistant attorneys general	16,626	21,000
Assistant business supervisor	14,548	16,626
Assistant chief engineer, administrator	22,932	24,570
Assistant commissioner, public works and highways	24,737	27,737
Assistant commissioner of safety	14,548	16,626
Assistant to director of motor vehicles	13,456	15,534
Assistant to insurance commissioner	12,470	14,548
Assistant state librarian	12,470	14,548
Assistant state treasurer	12,470	14,548
Assistant superintendent, New Hamp- shire hospital	20,115	23,530
Associate commissioner of public works and highways	24,737	27,737
Attorney general	24,737	27,737
Bank Commissioner	22,169	24,247
Business supervisor	17,319	20,783
Chairman, water resources board	14,548	17,319
Clerk of supreme court and court reporter	18,704	20,783
Commandant, soldiers' home	11,652	13,594
Commissioner of agriculture	16,626	18,704
Commissioner of department of em- ployment security	22,169	24,247
Commissioner of education	22,169	24,247
Commissioner of health and welfare	22,169	24,247
Commissioner of public works and highways	26,875	31,030
Commissioner of resources and economic development	22,169	24,247
Commissioner of safety	22,169	24,247

Comptroller	24,647	27,311
Coordinator of crime and delinquency	9,850	13,104
Coordinator of federal funds	17,319	20,783
Coordinator of highway safety	17,319	20,783
Counsel, department of employment security	16,626	20,800
Deputy attorney general	18,704	22,560
Deputy bank commissioner	18,704	20,783
Deputy commissioner of education	18,704	20,783
Deputy commissioner of public works and highways	24,737	27,737
Deputy commissioner of safety	17,985	19,984
Deputy director, business profits tax	19,318	24,247
Deputy directors, commission on crime and delinquency	13,628	17,472
Deputy director of data processing	16,926	21,568
Deputy director of personnel	15,987	17,986
Deputy insurance commissioner	14,548	16,626
Deputy labor commissioner	11,084	13,163
Deputy registers of probate:		
Rockingham	7,343	9,421
Strafford	6,373	8,216
Belknap	6,373	8,216
Carroll	6,373	8,216
Merrimack	7,343	9,463
Hillsborough	8,590	10,710
Cheshire	5,848	7,384
Sullivan	5,848	7,384
Grafton	6,373	8,216
Coos	5,848	7,384
Deputy secretary of state	15,321	17,319
Deputy state treasurer	15,321	17,319
Deputy superintendent, industrial school	11,084	14,545
Deputy superintendent, Laconia state school	25,480	27,560
Deputy warden state prison	11,084	14,545
Director, business profits tax	21,840	27,737
Director of aeronautics	16,626	18,704
Director, charitable trusts	6,236	8,314
Director of clinical services	21,475	23,555

Director of clinical and surgical services	21,475	23,555
Director, commission on crime and delinquency	20,500	22,500
Director of correctional psychiatry	21,475	23,555
Director of data processing	21,840	27,737
Director, division of accounts	18,704	20,783
Director of economic development	18,704	20,783
Director, division of mental health	29,616	33,772
Director of division of parks	16,626	18,704
Director, division of public health services	22,169	30,680
Director, division of purchase and property	18,704	20,783
Director of division of resources and development	16,626	18,704
Director, division of welfare	22,169	22,932
Director of fish and game	16,626	18,704
Director of motor vehicles	16,626	18,704
Director, out-patient services	21,475	23,555
Director of personnel	18,704	22,860
Director of probation	15,545	17,626
Director of psychiatric education and research	21,475	23,555
Director of records management and archives	11,084	13,163
Director of safety services	13,456	15,534
Director of state police	16,626	18,704
Director of technical institute	16,626	18,704
Director, police standards and training council	13,104	17,472
Director, veterans' council	11,084	13,163
Eminent domain commission, chairman	16,626	18,704
Eminent domain commissioners	15,934	18,012
Eminent domain commission, clerk		10,920
Executive director, real estate commission	9,792	11,890
Executive director, sweepstakes	23,000	24,500
Executive director, water supply and pollution control commission	24,932	26,570
General counsel, department of employment security	18,704	22,360

Governor's councilors	\$44 per diem	
Greyhound racing commissioners		3,407
Insurance commissioner	18,704	20,783
Labor commissioner	15,987	17,986
Liquor commissioner, chairman	21,652	25,127
Liquor commissioners	18,885	24,165
Manager of management information systems, data processing	16,271	20,639
Manager of operations, data processing	16,271	20,639
Manager of programming, data processing	16,271	20,639
Parole officer	14,545	16,626
Public utilities commission, chairman	16,626	18,704
Public utilities commissioners	15,934	18,012
Registers of probate:		
Rockingham		6,373
Strafford		6,096
Belknap		6,096
Carroll		6,096
Merrimack		6,373
Hillsborough		6,650
Cheshire		5,542
Sullivan		5,542
Grafton		6,096
Coos		5,542
Research assistant to the insurance commissioner	11,990	13,989
Secretary of state	22,169	24,247
Secretary, tax commission	19,318	21,316
Senior industrial agent	11,458	15,641
Senior psychiatrist	20,228	23,457
State fire marshal	12,470	14,548
State librarian	14,548	16,626
State treasurer	22,169	24,247
State veterinarian	14,631	16,538
Superintendent, industrial school	18,704	20,783
Superintendent, Laconia state school	22,169	24,247
Superintendent, New Hampshire hospital	26,875	31,030
Superintendent, N. H. home for the elderly	18,704	20,783



Tax commissioner	15,987	17,986
Warden, state prison	18,704	20,783
Water supply and pollution control commission:		
Chief aquatic biologist	15,987	17,986
Deputy executive director and chief engineer	23,432	25,070
Director municipal services and assistance	14,653	16,657
Pesticides surveillance scientist	13,694	15,567

Officials named in this section shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and in accordance with RSA 94:3. Racing commissioners, sweepstakes commissioners and the state entomologist only excepted, any official whose salary upon placement in the new salary range is less than that of a subordinate classified employee shall be placed at the next higher step in range above said classified employee and shall be entitled to any increase provided for herein until the maximum, provided herein is reached. However, in the event that the maximum of the unclassified position is less than the salary of said subordinate classified employee, the governor and council is authorized to increase the maximum of the unclassified position in an amount to provide a differential of not more than one thousand dollars.

Notwithstanding any other provisions of law to the contrary, the salaries of judges of probate court, deputy registers of probate, and registers of probate shall be as set forth above.

Amend section 6 of the bill by striking out the same and inserting in place thereof the following:

6 Unclassified Salaries for the Second Year of the Bien-nium. Amend RSA 94 by inserting after section 1 (supp) the following new section:

94:1-a Salaries Established. The salary ranges for the positions set forth, shall be as follows commencing on June 21, 1974:

	<i>Minimum</i>	<i>Maximum</i>
Governor	\$	\$34,070
Chief justice, supreme court		34,008
Chief justice, superior court		33,904

Associate justice, supreme court		33,800
Associate justice, superior court		33,696
Judges, probate court		11,357
Racing commissioners		3,543
Sweepstakes commissioner, chairman		5,315
Sweepstakes commissioners		2,835
Adjutant general	17,292	19,453
Assistant attorneys general	17,292	21,840
Assistant business supervisor	15,129	17,292
Assistant chief engineer, administrator	23,849	25,553
Assistant commissioner, public works and highways	25,726	28,846
Assistant commissioner of safety	15,129	17,292
Assistant to director of motor vehicles	13,994	16,156
Assistant to insurance commissioner	12,968	15,129
Assistant state librarian	12,968	15,129
Assistant state treasurer	12,968	15,129
Assistant superintendent, New Hampshire hospital	20,919	24,471
Associate commissioner of public works and highways	25,726	28,846
Attorney general	25,726	28,846
Bank commissioner	23,055	25,216
Business supervisor	18,012	21,615
Chairman, water resources board	15,129	18,012
Clerk of supreme court and court reporter	19,453	21,615
Commandant, soldiers' home	12,118	14,138
Commissioner of agriculture	17,292	19,453
Commissioner of department of employment security	23,055	25,216
Commissioner of education	23,055	25,216
Commissioner of health and welfare	23,055	25,216
Commissioner of public works and highways	27,950	32,272
Commissioner of resources and economic development	23,055	25,216
Commissioner of safety	23,055	25,216
Comptroller	25,633	28,404
Coordinator of crime and delinquency	10,244	13,628
Coordinator of federal funds	18,012	21,615

Coordinator of highway safety	18,012	21,615
Counsel, department of employment security	17,292	21,632
Deputy attorney general	19,453	23,462
Deputy bank commissioner	19,453	21,615
Deputy commissioner of education	19,453	21,615
Deputy commissioner of public works and highways	25,726	28,846
Deputy commissioner of safety	18,704	20,783
Deputy director, business profits tax	20,091	25,216
Deputy directors, commission on crime and delinquency	14,173	18,171
Deputy director of data processing	17,603	22,430
Deputy director of personnel	16,626	18,705
Deputy insurance commissioner	15,129	17,292
Deputy labor commissioner	11,528	13,690
Deputy registers of probate:		
Rockingham	7,637	9,798
Strafford	6,628	8,545
Belknap	6,628	8,545
Carroll	6,628	8,545
Merrimack	7,637	9,841
Hillsborough	8,934	11,138
Cheshire	6,082	7,679
Sullivan	6,082	7,679
Grafton	6,628	8,545
Coos	6,082	7,679
Deputy secretary of state	15,934	18,012
Deputy state treasurer	15,934	18,012
Deputy superintendent, industrial school	11,528	15,127
Deputy superintendent, Laconia state school	26,499	28,662
Deputy warden state prison	11,528	15,127
Director, business profits tax	22,714	28,846
Director of aeronautics	17,292	19,453
Director, charitable trusts	6,485	8,646
Director of clinical services	22,334	24,497
Director of clinical and surgical services	22,334	24,497
Director, commission on crime and delinquency	21,320	23,400

Director of correctional psychiatry	22,334	24,497
Director of data processing	22,714	28,846
Director, division of accounts	19,453	21,615
Director of economic development	19,452	21,614
Director, division of mental health	30,801	35,123
Director of division of parks	17,292	19,453
Director, division of public health services	23,055	31,907
Director, division of purchase and property	19,453	21,615
Director of division of resources and development	17,292	19,453
Director, division of welfare	23,056	23,849
Director of fish and game	17,292	19,453
Director of motor vehicles	17,292	19,453
Director, out-patient services	22,334	24,497
Director of personnel	19,453	23,774
Director of probation	16,167	18,331
Director of psychiatric education and research	22,334	24,497
Director of records management and archives	11,528	13,690
Director of safety services	13,994	16,156
Director of state police	17,292	19,453
Director of technical institute	17,292	19,453
Director, police standards and training council	13,628	18,171
Director, veterans council	11,528	13,690
Eminent domain commission, chairman	17,292	19,453
Eminent domain commissioners	16,571	18,732
Eminent domain commission, clerk		11,357
Executive director, real estate commission	10,183	12,366
Executive director, sweepstakes	23,920	25,480
Executive director, water supply and pollution control commission	25,929	27,633
General counsel, department of employment security	19,453	23,254
Governor's councilors	45 per diem	
Greyhound racing commissioners		3,543
Insurance commissioner	19,453	21,615

Labor commissioner	16,626	18,705
Liquor commissioner, chairman	22,518	26,132
Liquor commissioners	19,640	25,132
Manager of management information systems, data processing	16,922	21,464
Manager of operations, data processing	16,922	21,464
Manager of programming, data processing	16,922	21,464
Parole officer	15,127	17,292
Public utilities commission, chairman	17,292	19,453
Public utilities commissioners	16,571	18,732
Registers of probate:		
Rockingham		6,628
Strafford		6,340
Belknap		6,340
Carroll		6,340
Merrimack		6,628
Hillsborough		6,917
Cheshire		5,764
Sullivan		5,764
Grafton		6,340
Coos		5,764
Research assistant to the insurance commissioner	12,470	14,549
Secretary of state	23,055	25,216
Secretary, tax commission	20,091	22,168
Senior industrial agent	11,916	16,267
Senior psychiatrist	21,037	24,395
State fire marshal	12,968	15,129
State librarian	15,129	17,292
State treasurer	23,055	25,216
State veterinarian	15,216	17,200
Superintendent, industrial school	19,453	21,615
Superintendent, Laconia state school	23,055	25,216
Superintendent, New Hampshire hospital	27,950	32,272
Superintendent, N. H. home for the elderly	19,453	21,615
Tax commissioner	16,626	18,705
Warden, state prison	19,453	21,615
Water supply and pollution control commission:		



Chief aquatic biologist	16,626	18,705
Deputy executive director and chief engineer	24,369	26,073
Director municipal services and assistance	15,239	17,323
Pesticides surveillance scientist	14,241	16,189

Officials named in this section shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and in accordance with RSA 94:3. Racing commissioners, sweepstakes commissioners, and the state entomologist only excepted, any official whose salary upon placement in the new salary range is less than that of a subordinate classified employee shall be placed at the next higher step in range above said classified employee and shall be entitled to any increase provided for herein until the maximum provided herein is reached. However, in the event that the maximum of the unclassified position is less than the salary of said subordinate classified employee, the governor and council is authorized to increase the maximum of the unclassified position in an amount to provide a differential of not more than one thousand dollars.

Notwithstanding any other provisions of law to the contrary, the salaries of judges of probate court, deputy registers of probate, and registers of probate shall be as set forth above.

Amend the bill by striking out section 15 and inserting in place thereof the following:

15 Position Established. Amend RSA 106-A by inserting after section 2-b (supp) the following new section:

106-A:2-c Deputy Commissioner of Safety. Subject to the approval of the governor and council, the commissioner of safety shall appoint a deputy commissioner of safety who shall serve at the pleasure of the commissioner. He shall perform such duties as may be assigned to him by the commissioner, which may include, but not limited to, authority and power with the approval of the commissioner to direct and supervise the operation and administration of any division of the department, except the division of state police, notwithstanding any other statute to the contrary. The annual salary of the deputy commissioner shall be that prescribed in RSA 94:1-4.

Amend the bill by striking out section 17 and inserting in place thereof the following:

17 Additional Assistant Business Supervisor. Amend RSA 8:36 as amended by striking out in line fifteen the word "two" and inserting in place thereof the word (four) so said section as amended shall read as follows:

8:36 —Duties. Subject to the direction and supervision of the comptroller, the business supervisor shall: (1) advise with the respective superintendents and trustees of institutions in relation to establishment, supervision, and maintenance of uniform and efficient business records, business practices, and business management at each of the institutions within the department of hospitals and department of corrections; (2) advise with the respective superintendents and trustees of institutions in relation to all business problems of said institutions; (3) perform such other duties as the comptroller may require of him; (4) advise with the respective executive heads, boards, and commissions of the various state departments in relation to establishment, supervision and maintenance of uniform and efficient business records, business practices and business management, and to perform such other duties of assisting the state departments as the comptroller may require of him; (5) Subject to the approval of the comptroller, the business supervisor may appoint four assistant business supervisors who shall receive such salary as may be provided by appropriation therefor.

18 Effective Date.

I. On June 22, 1973, sections 1, 5, 8, 10 and 16.

II. On June 21, 1974, sections 2, 6, 9 and 11.

III. On July 1, 1973, sections 3, 4, 7, 12, 13, 14, 15 and 17.

Sen. Stephen W. Smith

Sen. Roger A. Smith

Sen. Paul E. Provost

Conferees on the Part of the Senate

Rep. Susan N. McLane

Rep. David O. Huot

Rep. Charles Roberts

Rep. Edna B. Weeks

Conferees on the Part of the House

Sen. S. Smith moved that the Senate concur with the report.

Adopted.

## DISCHARGE OF CONFEREES

The House of Representatives has voted to discharge the committee of conference on HB 798, dealing with unemployment compensation and requests the Senate concur with a new committee of conference.

The Speaker has appointed as members of said new committee Reps. McManus Buckley, Merrill, Stevenson.

On motion by Sens. Bradley and Bossie the Senate voted to accede to the request of the House.

The Chair appoints as members to said committee of conference Sens. Bradley, Downing and Green.

## ENROLLED BILLS REPORT

HB 117, relative to the qualification of municipal planning board members.

HB 940, redistricting the city of Somersworth.

Sen Provost  
*For the Committee*

The CHAIR: At the request of Sen. Blaisdell he is removed from the conference committee on HB 748. The Chair appoints in his place Sen. Lamontagne. Members of said committee are Sens. Ferdinando, Bossie and Lamontagne.

The CHAIR: Sens. Green and Porter are replaced with Sens. Provost and Jacobson with respect to the committee of conference on HB 463.

## COMMITTEE OF CONFERENCE REPORT

SB 2, to provide partial exemption from real estate taxes for persons sixty-five years of age or older, and complete exemption from real estate taxes for persons seventy years or older under certain circumstances.

(See House Journal)

Sen. Downing moved that the Senate adopt the report.

Adopted.

## HOUSE REQUESTS CONCURRENCE

The House of Representatives requests the concurrence of the Senate in its action whereby it suspended the joint rules to permit consideration after the deadlines established by the joint rules in regard to HB 1018, abolishing certain classified and unclassified positions at the New Hampshire hospital, eliminating free maintenance for all authorized positions at the New Hampshire hospital and establishing new unclassified positions and salary ranges.

Sen. Blaisdell moved that HB 1018 be laid on the table.

Adopted.

## COMMITTEE OF CONFERENCE REPORT

HB 889, providing means for settlement of disputes between public school teachers and school districts or supervisory unions and for other purposes.

COMMITTEE OF CONFERENCE REPORT  
ON HB 889

The committee of conference to which was referred House Bill No. 889, An Act providing means for settlement of disputes between public school teachers and school districts or supervisory unions and for other purposes, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the House and Senate adopt the following new amendment to the bill as amended by the Senate, and

That the House and Senate each pass the bill as so amended.

Amend RSA 273-A:7, III as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

III. It shall be the duty of both parties to negotiate and attempt to reach an agreement which shall be reduced to writing and signed by duly-authorized representatives of the parties.

Failure of either party to reach an agreement shall not in itself constitute a failure to negotiate in good faith or be a violation of any provision of this chapter.

Amend RSA 273-A:14 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

273-A:14 Strikes Prohibited. A strike is illegal and is prohibited. A public employer shall be entitled to injunctive relief in the appropriate superior court if a strike occurs in violation of the provisions of this section, and may be awarded costs and reasonable legal fees in addition at the discretion of the court.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Effective Date. This act shall take effect July 1, 1973 and shall expire December 31, 1975.

Sen. Stephen W. Smith  
Sen. David H. Bradley  
Sen. Harry V. Spanos  
Conferees on the part of the Senate

Rep. Shirley K. Merrill  
Rep. Malcolm J. Stevenson  
Rep. Marshall French  
Rep. Mary P. Chambers  
Conferees on the Part of the House

Sen. S. Smith moved concurrence with the report.

Adopted.

HB 748, relative to the definition of accidents for the rating of insurance policies.

#### COMMITTEE OF CONFERENCE REPORT ON HB 748

The committee of conference to which was referred HB 748, An Act relative to the definition of accidents for the rating of insurance policies having considered the same, report the same with the following recommendations:

That the House of Representatives recede from its posi-



tion of nonconcurrence in the Senate amendment and concur in the adoption of said amendment; and

That the Senate and the House concur in the adoption of the following amendment to the bill and adopt the bill with said amendments:

Amend the title of said bill by striking out the same and inserting in place thereof the following:

### AN ACT

relative to the definition of accidents for the rating of  
insurance policies and relative to credit life and  
accident insurance

Amend the bill by inserting after section 1 the following new section:

2 Credit Life and Accident Insurance. Amend RSA 408-A:2 (2) by striking out said paragraph and inserting in place thereof the following:

(2) All life insurance and all accident and health insurance sold in connection with loans or other credit transactions of ten years or less duration shall be subject to the provisions of this chapter. Such insurance sold in connection with a loan or other credit transaction of more than ten years duration shall not be subject to the provisions of this chapter.

Further amend said bill by renumbering section 2 to read section 3.

Sen. Richard F. Ferdinando  
Sen. Robert F. Bossie  
Sen. Laurier A. Lamontagne  
Conferees on the Part of the Senate

Rep. L. Waldo Bigelow  
Rep. Clarence E. Bartlett  
Rep. Ralph W. Wilson  
Rep. Adolph J. Burrows  
Conferees on the Part of the House

Sen. Ferdinando moved that the Senate concur with the report.

Adopted.

Sen. Blaisdell wished to be recorded as being against the report.

HB 508, creating centralized land acquisition procedures; establishing a natural heritage conservation fund, making an appropriation therefor, and authorizing the issuance of bonds for such fund.

### COMMITTEE OF CONFERENCE REPORT ON HB 508

The committee of conference to which was referred HB 508, An Act creating centralized land acquisition procedures; establishing a natural heritage conservation fund, making an appropriation therefor, and authorizing the issuance of bonds for such fund, having considered the same report the same with the following recommendations:

1 That the House of Representatives recede from its position of nonconcurrence and concur with the Senate in the adoption of its amendment, and

2 That the Senate and House concur in the adoption of the following amendment to said bill and pass the bill as thus amended.

Amend RSA 162-C:2-c as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

162-C:2-c Natural Heritage Conservation Fund. There is hereby established within the department of resources and economic development a fund to be known as the natural heritage conservation fund, which shall be kept separate and distinct from all other funds appropriated to such department and shall be used solely for the purposes of acquiring rights and interests in land or studies thereof as directed by the general court or, with the approval of the fiscal committee of the general court, for the planning and design of projects to be submitted to future sessions for consideration. There shall be established within such fund a separate account to be known as the emergency opportunity account which shall be the designation of funds available for expenditure by the governor and council on highest priority proposals as defined in RSA 162-C:2-b. The division of resources development, with the approval of the commissioner of the department of resources and economic develop-

ment and the fiscal committee of the general court, may use funds herewith appropriated for non-matchable administrative costs connected with land acquisition proposals such as surveys, title searching, appraisals, land damage commissions, prints of maps and aerial photography, registry of probate and registry of deeds expenses.

Sen. Alf E. Jacobson  
Sen. Edith B. Gardner  
Sen. Laurier A. Lamontagne  
Conferees on the Part of the Senate

Rep. Charles W. Ferguson  
Rep. Stanley H. Williamson  
Rep. Myrtle B. Rogers  
Rep. Janis R. Lint  
Conferees on the Part of the House

Sen. Jacobson moved that the Senate concur with the report.

Adopted.

#### HOUSE ADOPTION OF COMMITTEE OF CONFERENCE RECOMMENDATION ON

HB 888, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975.

Sen. Jacobson moved that HB 1018 be taken from the table.

Adopted.

Sen. Jacobson moved that the rules of the Senate be so far suspended as to place HB 1018 on second reading at this time.

Adopted.

HB 1018, abolishing certain classified and unclassified positions at the New Hampshire hospital, eliminating free maintenance for all authorized positions at the New Hampshire hospital and establishing new unclassified positions and salary ranges.

Sen. JACOBSON: Mr. President, this is a recall bill. HB 1018 is the bill that deals with the salaries of unclassified employees in the State.

Adopted.      Ordered to third reading.

Sen. Jacobson moved that the rules of the Senate be so far suspended as to place HB 1018 on third reading and final passage at this time.

Adopted.

### Third reading and final passage

HB 1018, abolishing certain classified and unclassified positions at the New Hampshire hospital and establishing new unclassified positions and salary ranges.

Adopted.

Sen. Jacobson moved reconsideration of HB 1018.

Motion lost.

HB 293, relative to exemptions available for the New Hampshire property tax.

### COMMITTEE OF CONFERENCE REPORT ON HB 293

The committee of conference to which was referred House Bill No. 293, An Act relative to exemptions available for the New Hampshire property tax, having considered the same report the same with the following recommendation:

That the House of Representatives recede from its position of nonconcurrence with the Senate amendments and the Senate recede from its position in adopting its amendments and the House and Senate each adopt the following amendments to the bill.

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### AN ACT

to provide partial exemption from real estate taxes for persons sixty-five years of age or older, and complete exemption from real estate taxes for persons eighty years of age or older, under certain circumstances.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Persons Sixty-five Through Seventy-four. Amend RSA 72:39 (supp), as amended, by striking out the word "seventy" wherever it appears therein and inserting the words (sixty-five), so that said section as amended shall read as follows :

72:39 Exemption for Persons over Sixty-five Years. Residential real estate, as defined by RSA 72:29, II, to the assessed value of five thousand dollars shall be exempt from taxation provided, however, if property within the town or city is not assessed at its full and true market value, the amount of valuation exempted will be that proportion of five thousand dollars that the level of assessments as found by the tax commission bears to one hundred percent, if it is:

I. Owned by a resident sixty-five years of age or over; or

II. Owned by a resident jointly or in common with his spouse, either of whom is sixty-five years of age or over; or

III. Owned by a resident sixty-five years of age or over jointly or in common with a person not his spouse; or

IV. Owned by a resident who, or whose spouse, is sixty-five years of age or over and who has been living with his spouse as man and wife for at least five years.

2 Persons Seventy-five Years and Older. Amend RSA 72 by inserting after section 39, the following new sections:

72:39-a Exemption for Persons Seventy-five Through Seventy-nine. Residential real estate, as defined by RSA 72:29, II, to the assessed value of ten thousand dollars shall be exempt from taxation provided, however, if property within the town or city is not assessed at its full and true market value, the amount of valuation exempted will be that proportion of ten thousand dollars that the level of assessments as found by the tax commission bears to one hundred percent, if it is:

I. Owned by a resident seventy-five years of age or over; or

II. Owned by a resident jointly or in common with his spouse, either of whom is seventy-five years of age or over; or

III. Owned by a resident seventy-five years of age or over jointly or in common with a person not his spouse; or

IV. Owned by a resident who, or whose spouse, is seventy-



five years of age or over and who has been living with his spouse as man and wife for at least five years.

72:39-b Tax Exemption for Persons over Eighty Years. Residential real estate as defined by RSA 72:29, II, shall be exempt from taxation, if it is:

I. Owned by a resident eighty years of age or over; or

II. Owned by a resident jointly or in common with his spouse, either or whom is eighty years of age or over; or

III. Owned by a resident eighty years of age or over jointly or in common with a person not his spouse; or

IV. Owned by a resident who, or whose spouse, is eighty years of age or over and who has been living with his spouse as man and wife for at least five years.

3 Condition; Social Security Retirement Pension or Veterans Benefits. Amend RSA 72:40 by striking out said section and inserting in place thereof the following:

72:40 Conditions. No exemption shall be allowed under RSA 72:39, 39-a, or 39-b unless the person applying therefor:

I. Has resided in this state for at least five years preceding April first in the year in which the exemption is claimed;

II. Had in the calendar year preceding said April first a net income from all sources of less than seven thousand dollars, or if married, a combined net income of less than nine thousand dollars, such net income to be determined by deducting from all monies received from any source whatsoever the amount of any of the following or the sum thereof:

(a) Life insurance paid on the death of an insured;

(b) Expenses and costs incurred in the course of conducting a business enterprise;

(c) Proceeds from the sale of assets;

III. Owns assets of any kind, tangible or intangible, less bona fide encumbrances, not in excess of thirty-five thousand dollars.

4 Effective Date. This act shall take effect April 1, 1974,

and shall apply with respect to the tax year commencing on that date.

Sen. Delbert F. Downing  
Sen. Richard P. Green  
Sen. Eileen Foley  
Conferees on the Part of the Senate

Rep. James A. Sayer  
Rep. David C. Nutt  
Rep. Theodora P. Nardi  
Rep. Betty B. Hall  
Conferees on the Part of the House

Adopted.

#### ENROLLED BILLS AMENDMENTS TO

HB 1028, establishing the New Hampshire Transportation Authority; and making an appropriation therefor.

#### AMENDMENT

Amend section 1 of the bill by striking out the first three lines and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 21-B the following new chapter:

#### Chapter 21-C

Further amend said section by striking out citations to RSA 205-A:1-8 and renumbering said sections to read as

21-C:1      21-C:2      21-C:3      21-C:4      21-C:5      21-C:6  
21-C:7      and 21-C:8      respectively.

Sen. R. Smith moved that the Senate adopt the amendment.

Amendment adopted.

HB 923, enacting new salary grades for all classified and unclassified employees and establishing uniform overtime for classified employees.

#### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

establishing an interim study committee to analyze the  
Arthur D. Little, Inc. recommendations  
concerning the state personnel system.

Sen. R. Smith moved that the Senate concur with the  
amendment.

Amendment adopted.

## RECESS

## OUT OF RECESS

## COMMITTEE OF CONFERENCE ON

HB 20, removing the requirement of public convenience  
and necessity for common carriers by motor vehicles.

The committee of conference to which was referred HB  
20, An Act removing the requirement of public convenience  
and necessity for common carriers by motor vehicles, having  
considered the same, report that the committee can not agree.

Sen. John H. McLaughlin  
Sen. William E. Sanborn  
Sen. Stephen W. Smith  
Conferees on the Part of the Senate

Rep. Richard L. Bradley  
Rep. George E. Gordon, III  
Rep. K. Michael Tavitian  
Rep. Albert C. Jones  
Conferees on the Part of the House

Sen. McLaughlin moved that the Senate concur with the  
report.

Adopted.

## ENROLLED BILLS REPORT

SB 112, relative to neglected, delinquent and abused chil-  
dren.

HB 141, relative to modification of the business profits tax.

HB 193, requiring open vehicles to be covered when carrying particulate material.

HB 292, providing for protection of persons engaged in scuba diving on the inland waters of the state.

HB 640, authorizing the governor to enter into agreements with veterinary medical schools.

SB 179, relative to the proximity of state liquor stores to shools, churches and parish houses.

SB 230, relative to child support payments.

SJR 8, relative to retirement credit for Mary S. Downey.

HB 714, to define the offshore jurisdiction of the state.

HB 923, establishing an interim study committee to analyze the Arthur D. Little, Inc. recommendations concerning the state personnel system.

HB 1028, establishing the New Hampshire Transportation Authority; and making an appropriation therefor.

Sen. Provost  
*For The Committee*

#### HOUSE ADOPTION OF COMMITTEE OF CONFERENCE RECOMMENDATION ON

SB 149, relative to the location of hearings for proposed electric power plant and major transmission siting.

HB 811, making appropriations for capital improvements.

HB 508, creating centralized land acquisition procedures; establishing a natural heritage conservation fund, making an appropriation therefor, and authorizing the issuance of bonds for such fund.

HB 509, to increase the salaries of state classified employees and making an appropriation therefor.

SJR 19, making an appropriation for the planning and design of the proposed Alan B. Shepard state park in Derry.

HB 912, conforming state pollution control statutes to the federal requirements.

HB 438, relative to habitual offenders of the motor vehicle laws.

HJR 5, making an appropriation for the purchase and installation of an electronic roll call system for the house of representatives.

(Sen. Sanborn in the chair in honor of his 57th birthday)

### ENROLLED BILLS AMENDMENT

SB 76, relative to tuition payments for handicapped children and making an appropriation therefor. Ought to pass. Sen. R. Smith for the Committee.

### AMENDMENT

Amend section 3 of the bill by striking out said section and inserting in place thereof the following:

3 Effective Date. This act shall take effect September 2, 1973.

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment adopted.

### COMMITTEE OF CONFERENCE REPORT

HB 878, relative to the definition of parent for the purpose of defining eligibility for aid to families with dependent children; providing for verification and investigation of eligibility of applicants for aid to families with dependent children; actions against absent parent; and requiring recipients of aid to families with dependent children to actively seek employment and making an appropriation therefor.

The committee of conference to which was referred HB 878, An Act relative to the definition of parent for the purpose of defining eligibility for aid to families with dependent children; providing for verification and investigation of eligibility of applicants for aid to families with dependent children; actions against absent parent; and requiring recipients of aid to families with dependent children to actively seek employment and making an appropriation therefor, having considered the same report the same with the following recommendation:



That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position of adopting its amendment, and

That the House and Senate each pass the bill as amended by the House and with the following new amendment:

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Requirement to Pursue Employment. Amend RSA 167:4 (supp), as inserted by 1965, 154:1, as amended, by inserting after paragraph IV the following new paragraph:

V. The director of the division of welfare shall refer each adult applicant for assistance under this chapter or RSA 161 to the employment service bureau of the department of employment security except those who are blind, mentally or physically unable to work or those who have attained the age of sixty-five. The employment service bureau shall register all those referred and screen and classify the applicants to determine their aptitude for work either part time, full time or those in need of training. The employment service bureau shall refer the applicants to appropriate suitable work or training and shall report to the director the action taken and the results of any referral. In the event that any applicant refuses or fails to register with the employment service bureau or to accept any referral to work or offer of work or training or terminates any work or training, the employment service bureau shall promptly notify the director who shall thereupon review the eligibility of said applicant for assistance.

Sen. Robert F. Bossie  
Sen. David H. Bradley  
Sen. Frederick A. Porter  
Conferees on the Part of the Senate

Rep. Charles Ferguson  
Rep. Donald J. Piper  
Rep. Helen Wilson  
Rep. Mary Sullivan  
Conferees on the Part of the House

Sen. Bossie moved adoption of the report.

Adopted.

Sen. Poulsen moved that the committee of conference be discharged in respect to HB 768.

Sen. Downing moved that we amend the motion and discharge the committee of conference on HB 768 and another committee of conference be established.

Motion lost.

Adopted.

HB 798, dealing with unemployment compensation.

#### COMMITTEE OF CONFERENCE REPORT ON HB 798

The committee of conference to which was referred HB 798, An Act dealing with unemployment compensation, having considered the same, report the same with the following recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position of adopting its amendment, and

That the House and Senate each pass the bill as amended by the House and with the following new amendment:

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Time for Filing Appeals. Amend RSA 282:5, G, (1) (2) and (4), as amended, by striking out said three subsections and inserting in place thereof the following:

(1) Any interested party aggrieved by any decision of an appeal tribunal in proceedings under this chapter may, within fifteen days after the date of mailing of such decision, appeal therefrom to the superior court in the manner provided in paragraph (3) of this subsection.

(2) Any interested party aggrieved by any decision of an appeal tribunal in proceedings under this chapter, who within fifteen days after the date of mailing of such decision requests the commission to direct the appeal tribunal to reopen the case and hold a further hearing to reconsider the case on the grounds

of fraud, mistake, or newly discovered evidence (as required in subsection E of this section), may within fifteen days after the date of mailing of the decision of the commissioner which finally refuses the request for reopening of the case, appeal therefrom to the superior court in the manner provided in paragraph (3) of this subsection.

(4) An interested party aggrieved by any decision of an appeal tribunal in proceedings under this chapter, who fails within the fifteen day period after the date of mailing of such decision, for whatever reason, either to request the commissioner to direct a reopening for the purpose of reconsidering the case on the grounds of fraud, mistake, or newly discovered evidence, or to appeal to superior court under paragraph (1) above, but who at some subsequent time within ninety days allowed in subsection E of this section requests the commissioner to direct such reopening, may, within fifteen days after the date of mailing of the decision of the commissioner which finally refuses the request for reopening of the case, appeal therefrom to the superior court for the county in which is located the employment bureau or branch in which the original claim was filed. Judicial review by said superior court under this paragraph shall be confined to whether or not the commissioner's decision was the result of arbitrary, unreasonable or capricious action, or contrary to law. The appeal under this paragraph shall be perfected by filing a petition with the clerk of said superior court within the time limit above specified, and the petition must set forth specifically the grounds on which it is alleged that the action of the commissioner was arbitrary, unreasonable or capricious, or contrary to law, and no bond shall be required as a condition of entering such appeal. Thereupon the clerk of said superior court shall issue a citation to all interested parties, returnable at any time within ten days after the date of issue. The commissioner shall file with said clerk before trial or hearing a certified copy of the entire record on the claim which shall, upon being so filed, become the record of the case. An appeal may be taken from the decision of the superior court to the supreme court in the same manner as is provided in civil actions. Upon the final determination of such judicial proceeding, the commissioner shall enter an order in accordance with such determination.

Amend the bill by striking out section 11 and inserting in place thereof the following:

11 Repeal. RSA 282:22 (supp) as inserted by 1969, 451:8, as amended, placing the work incentive program in the department of employment security, is hereby repealed.

12 Manpower Development and Training Act. Amend 1965, 246:1 by striking out said section and inserting in place thereof the following:

246:1 Manpower Development and Training Act. The governor is hereby authorized to participate in the Manpower Development and Training Act of 1962, as amended.

13 Special Fund. Amend 1965, 246:2 by striking out said section and inserting in place thereof the following:

246:2 There is hereby created in the state treasury a special fund to be known as the Manpower Development and Training Act Fund. All monies granted to the state by the United States of America under said federal act, and all state funds appropriated for this purpose, shall be deposited in this fund and shall be continuously, without lapse or transfer to any other fund, available to the governor and council who may delegate responsibility under this act to the commissioner of the department of employment security and the commissioner of the department of education for expenditure for the purposes authorized by the appropriate federal agencies. All monies granted to this state by the United States of America and deposited in this fund shall be accounted for separately but may be co-mingled with state funds deposited therein, and shall be subject to be replaced or returned to the United States of America under such terms as are provided under the Manpower Development and Training Act. The state treasurer is hereby designated as custodian of the fund and shall be liable on his official bond for the faithful performance of his duties in connection therewith. These funds shall be expended under the approval of the governor and council who may delegate responsibility under this act to the commissioner of the department of employment security and the commissioner of the department of education as hereinabove provided.

14 Effective Date. This act shall take effect as follows:

I. Sections 1 through 10 on the first day of the calendar week commencing after sixty days after passage;

## II. Sections 11 through 13 upon passage.

Sen. David H. Bradley  
Sen. Richard P. Green  
Sen. Delbert F. Downing  
Conferees on the Part of the Senate  
  
Rep. Shirley K. Merrill  
Rep. Malcolm J. Stevenson  
Rep. Anthony A. McManus  
Rep. Robert B. Buckley, Jr.  
Conferees on the Part of the House

Sen. Bradley moved that the report be adopted.

Adopted.

HB 607, limiting the right to sue and guaranteeing compensation for medical expenses and lost wages to persons involved in motor vehicle accidents.

## COMMITTEE OF CONFERENCE REPORT ON HB 607

The committee of conference to which was referred HB 607, An Act limiting the right to sue and guaranteeing compensation for medical expenses and lost wages to persons involved in motor vehicle accidents, having considered the same report the same with the following recommendation:

That the House recede from its position of nonconcurrence with the Senate amendments and adopt the Senate amendments and the House and Senate each adopt the following amendments to the bill.

Amend RSA 407-C:2, II (d) as inserted by section 1 of the bill by striking out said subparagraph and inserting in place thereof the following:

(d) Loss of Service Benefits. Payment of benefits for all expenses reasonably incurred in obtaining from others ordinary and necessary services, which would ordinarily have been performed by the injured person, not for income, but for the benefit of himself and members of his family in his household, but which he could not perform because of the injury arising from the accident, subject to a limit of twenty-five dollars per day for two hundred sixty weeks per person injured, provided that no such benefits shall be paid unless the person injured is unable to perform said services for seven days.



Amend RSA 407-C:9 as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

**407-C:9 General Damages.** On and after the effective date of this chapter in any action brought to recover damages for bodily injury, sickness or disease caused by accident and arising out of the operation of a motor vehicle within this state (the plaintiff may recover damages for pain and suffering, mental anguish, inconvenience or other non-economic loss only if the injured person has suffered death, serious impairment of body function or permanent serious disfigurement. The presence or absence of any such condition shall be an issue of fact for the trial court to determine.)

Amend the bill by striking out section 3 and inserting in place thereof the following:

### 3 Effect on Policies Already in Existence.

I. In consideration of retention of its certificate of authority to write automobile liability insurance, each insurer shall be deemed to have agreed to provide the benefits prescribed in RSA 407-C:2 on all automobile liability policies outstanding on the effective date of this act. Such coverage may be provided by endorsement or by interpreting existing policies to provide such coverage, or in any other manner approved by the commissioner.

II. Any private passenger automobile liability policy in force on the effective date of this act, and thereafter, shall reflect by endorsement any reduction in rates for the required coverage under this act as filed by the insurer and such reduction shall be computed on a pro rata basis for the remaining term of said policy. Such endorsement may be issued at the renewal date of the policy or the termination of the policy. Any return premium in excess of three dollars shall be refunded to the insured.

**4 Effective Date.** This act shall take effect March 1, 1974.

Sen. Richard F. Ferdinando  
Sen. John H. McLaughlin  
Sen. David H. Bradley  
Conferees on the Part of the Senate

Rep. L. Waldo Bigelow, Jr.  
Rep. Russell Chase  
Rep. Elmer S. Wiggin  
Rep. Catherine Lamy  
Conferees on the Part of the House

Sen. Bradley moved that the Senate concur with the report.

Sen. BRADLEY: The committee of conference on HB 607 has met several times and it was my feeling that no compromise with the House members is going to be possible.

Sen. SPANOS: The Durkin version of the bill didn't have the scrutiny of the courts and was found to be perfectly constitutional so long as the benefits to be derived by the party suing were commensurate with the laws of his rights to sue. Wouldn't it be more advisable to wait or send this measure to the Supreme Court for a ruling?

Sen. BRADLEY: As you know, I have done that before but on the other hand the Supreme Court has already passed on a form of no-fault bill. So we do know that the concept is constitutional.

Sen. SPANOS: I'm going to be brief. At this stage of the game we are probably involved in one of the most serious questions. I think that in the process of trying to help those that we want to help we may end up hurting those people.

Sen. NIXON: Mr. President, I'd like to give the Senate the benefit of my views. I'd like to go back to a remark that Sen. Jacobson made in terms of genuine no fault as opposed to some other type. No Fault, the ability to recover without proving who's at fault. That principle was involved in the bill sponsored by Sen. Bradley. In all of these bills this is common. The people who would gain is the Insurance industry. So if you want to pass legislation for lawyers, this bill will not hurt lawyers in this area but it will substantially take away the rights of people involved in legal procedures to determine whether or not they have a serious body malfunction. This cannot be seen as anything but an insurance industry proposal.

Roll call requested by Sen. Green, seconded by Sens. Nixon and Blaisdell.

Yeas: Bradley, Green, Jacobson, Blaisdell, Trowbridge,

McLaughlin, Claveau, R. Smith, Ferdinando, Sanborn, Brown, Johnson, Downing, and Preston.

Nays: Poulsen, S. Smith, Gardner, Spanos, Nixon, Provost, Bossie, and Preston.

Result: Yeas: 14.

Nays: 8.

Adopted.

SB 56, revising the scenic roads act.

(See House Journal)

Sen. Trowbridge moved that the Senate concur with the report.

Adopted.

HB 657, establishing a multi-use statewide trail system.

#### COMMITTEE OF CONFERENCE REPORT ON HB 657

The committee of conference to which was referred House Bill No. 657, An Act establishing a multi-use statewide trail system, having considered the same report the same with the following recommendations:

That the House of Representatives recede from its position of nonconcurrence with the Senate amendments and the Senate recede from its position in adopting its amendment and the House and Senate each adopt the following amendment to the bill and pass the bill as amended.

Amend RSA 216-E:1, III as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

III. Any department or agency of the state, or any political subdivision, district or authority may transfer to the department, land or rights in land for said purposes on such terms and conditions as may be agreed upon, or may enter into an agreement with the commissioner providing for the establishment and protection of said trail system. Provided, however, that no land except abandoned railroad beds, acquired after the effective date of this chapter by the state or any agency or political subdivision through the exercise of the powers of condemnation or eminent domain shall be included in such trail system.

Amend RSA 216-E:2, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

I. The trails within the system shall be held, developed and administered under this chapter primarily as recreational trails for hiking, nature walks, bird watching, horseback riding, bicycling, ski touring, snowshoeing and off highway recreational vehicles and the natural scenic beauty thereof shall be preserved insofar as is practical; provided, however, that the commissioner may permit uses of trails and land acquired hereunder, by the owner of adjoining land or others, in such a manner and at such seasons as will not substantially interfere with the primary use of the trails.

Amend RSA 216-E as inserted by section 1 of the bill by inserting after section 4 the following new section:

216-E:5 Advisory Committee. The commissioner shall appoint a New Hampshire statewide trail system advisory committee, whose members shall equally represent the different trail interests involved and the general public, for the purposes of advising him on matters related to the New Hampshire statewide trail system.

Sen. Ward B. Brown  
Sen. Clesson J. Blaisdell  
Sen. Robert F. Preston  
Conferees on the Part of the Senate

Rep. Elizabeth Ladd  
Rep. Sara M. Townsend  
Rep. Roland J. Lefebvre  
Rep. Ralph D. Hough  
Conferees on the Part of the House

Sen. Brown moved that the Senate concur with the report.  
Adopted.

#### ENROLLED BILLS AMENDMENT

SB 2, to provide partial exemption from real estate taxes for persons sixty-five years of age or older, and complete exemption from real estate taxes for persons eighty years of age or older, under certain circumstances. Ought to pass. Sen. R. Smith for the Committee.

## AMENDMENT

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Application Procedure; Proration; Limitation. Whenever reference is made to RSA 72:38 in RSA 72:40-a, 72:40-b, 72:41, 72:42, and 72:43 such reference shall be construed to include RSA 72:39-a and RSA 72:39-b as inserted by section 2 of this act.

5 Tax Commission Change. In the event that "An Act relative to the administration of the revenue laws" is enacted by the 1973 session of the general court, wherever the words "tax commission" appear in RSA 72:39 and RSA 72:39-a as amended or inserted by section 1 and 2 of this act, it shall be construed to mean the department of revenue administration.

6 Effective Date. This act shall take effect April 1, 1974 and shall apply with respect to the tax year commencing on that date.

Amendment adopted.

Sen. Jacobson moved that all committees of conference whose reports have not been acted upon be discharged.

Adopted.

Sen. Jacobson moved that we reconsider our action whereby we sent SB 191 to the Merit Pay Study Commission and we refer said bill to Executive Departments committee for further study.

Adopted.

Sens. Porter and Foley moved that the Senate recess until tomorrow to meet at 10 a.m. tomorrow, June 30, and that when it meets tomorrow it shall meet only for the purpose of receiving and adopting enrolled bills reports and enrolled bills amendments and messages from the House.

Adopted.

## ENROLLED BILLS AMENDMENTS

HB 888, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1974



and June 30, 1975. Ought to pass. Sen. R. Smith for the Committee.

#### AMENDMENT

Amend section 71 of the bill by striking out line 2 and inserting in place thereof the following:

Basin Costs. Amend RSA 149-G:6 (supp) as inserted

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment adopted.

HB 811, making appropriations for capital improvements. Ought to pass. Sen. R. Smith for the Committee.

#### AMENDMENT

Amend the footnote to paragraph II, IV and V of section 2 of the bill by striking out the same and inserting in place thereof the following:

\* These funds shall not be transferred or used for any other purpose and, as to Elliot Hospital, is the total amount to be appropriated and/or expended for all renovation or conversion to University use, and the following priorities in spending will apply:

1. Repairs to roofs.
2. Repairs to heating equipment and utilities to meet minimum applicable life safety code standards.
3. Minimum alterations required to make usable buildings for administrative and academic purposes.

Amend paragraph IV of section 11 of the bill by striking out the same and inserting in place thereof the following:

IV. 1971, 559:1, X.

Amend section 15 of the bill by striking out line 5 and inserting in place thereof the following:

kept separate and distinct from all other funds. Such fund shall be the depository

Sen. R. Smith moved that the Senate adopt the amendment.

Amendment adopted.

### COMMUNICATION

June 29, 1973

#### TO WHOM IT MAY CONCERN:

I hereby authorize Senator Roger Smith, Concord District No. 15 to sign Legislative Bills in my absence tomorrow, June 30, 1973.

David L. Nixon  
President, N. H. Senate

### VETO MESSAGE

June 29, 1973

To The Honorable Members of the General Court

I return herewith, House Bill 1021, An act relative to establishing a noise abatement program", without my approval, pursuant to Section 44, Part II of the Constitution, for the following reasons:

1. This bill would increase an already giant and sprawling state bureaucracy and add untold burdens to the private lives of our citizens without having first established that there is in fact a serious noise pollution problem in the state.

2. The Cog Railroad air pollution incident precipitated by an overzealous bureaucrat and rectified by an understanding legislature, would be nothing compared to the long train of possible molestations of private citizens by public officials under the terms of this bill.

3. The definition of "noise" in this bill is vague, indefinite and could be construed as all-inclusive where the ringing of a church bell or the lowing of a grazing herd could be interpreted as noise pollution.

4. The director of noise pollution abatement would be an official appointed by and a part of the Department of Health and Welfare, an agency that is not noted for its responsiveness to the needs and wishes of the private citizen.

5. The bill provides no appropriation for a noise pollution program and yet the history of such new bureaucratic offices

shows that they grow from a tiny legislative spore with the rapidity of mushrooms under a warm summer's rain.

6. The bill contains many bad features of legal procedure calculated to expedite harassments by officials against members of the public.

7. There is no noise problem in the state that cannot be controlled adequately under present state laws or local ordinances now enacted or that could be enacted by local authorities.

For these reasons I believe our citizens neither need the pseudo-protection of this bill nor would long tolerate it.

Meldrim Thomson, Jr.  
Governor

#### HOUSE ADOPTION OF COMMITTEE OF CONFERENCE RECOMMENDATION

SB 56, revising the scenic roads act.

HB 748, relative to the definition of accidents for the rating of insurance policies.

#### HOUSE NON-CONCURRENCE WITH COMMITTEE OF CONFERENCE RECOMMENDATIONS

HB 463, establishing a sire stakes program and a standard-bred breeders and owners development agency.

#### HOUSE ADOPTION OF ENROLLED BILLS AMENDMENTS TO

HB 888, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975.

HB 811, making appropriations for capital improvements.

SB 76, relative to tuition payments for handicapped children and making an appropriation therefor.

#### ENROLLED BILLS REPORT

HB 395, relative to consumer credit reports.

HB 438, relative to habitual offenders of the motor vehicle laws.

HB 508, creating centralized land acquisition procedures; establishing a natural heritage conservation fund, making an appropriation therefor, and authorizing the issuance of bonds for such fund.

HB 607, relative to motor vehicle insurance and guaranteeing compensation for medical expenses and lost wages.

HB 748, relative to the definition of accidents for the rating of insurance policies and relative to credit life and accident insurance.

SB 56, revising the scenic roads act.

SB 149, relative to electric power plant, oil refinery, and transmission siting and construction procedure.

HB 889, relative to collective bargaining rights for public employees.

SB 76, relative to tuition payments for handicapped children and making an appropriation therefor.

HB 811, making appropriations for capital improvements.

HB 798, dealing with Unemployment Compensation.

HB 912, conforming state pollution control statutes to the federal requirements.

HB 888, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975.

SJR 19, relative to the planning and design of the proposed Alan B. Shepard state park in Derry.

HJR 5, creating a special committee on an electronic roll call system for the house of representatives and making an appropriation for the purchase and installation thereof; and making an appropriation for the refurbishing and repair of the senate chamber and adjacent areas.

Sen. Provost  
*For The Committee*

## HOUSE ADOPTION OF ENROLLED BILLS AMENDMENTS

SB 2, to provide partial exemption from real estate taxes for persons sixty-five years of age or older, and complete exemption from real estate taxes for persons seventy years of age or older, under certain circumstances.

HB 657, establishing a multi-use statewide trail system.

HB 509, to increase the salaries of state classified employees and making an appropriation therefor.

HB 878, relative to the definition of parent for the purpose of defining eligibility for aid to families with dependent children; providing for verification and investigation of eligibility of applicants for aid to families with dependent children; actions against absent parent; and requiring recipients of aid to families with dependent children to actively seek employment and making an appropriation therefor.

HB 755, conferring immunity from civil suit on municipal executives acting in their official capacity.

HB 293, relative to exemptions available for the New Hampshire property tax.

HB 1018, abolishing certain classified and unclassified positions at the New Hampshire hospital, eliminating free maintenance for all authorized positions at the New Hampshire hospital and establishing new unclassified positions and salary ranges.

## ENROLLED BILLS AMENDMENT

HB 1018, abolishing certain classified and unclassified positions at the New Hampshire hospital, eliminating free maintenance for all authorized positions at the New Hampshire hospital and establishing new unclassified positions and salary ranges.

## AMENDMENT

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Effective Date. This act shall take effect as follows:



I. Sections 1, 3, 4 and 5 on June 22, 1973;

II. Section 2 on July 1, 1973.

Sen. Provost moved that the Senate adopt the amendment.

Amendment adopted.

HB 878, relative to the definition of parent for the purpose of defining eligibility for aid to families with dependent children; providing for verification and investigation of eligibility of applicants for aid to families with dependent children; actions against absent parent; and requiring recipients of aid to families with dependent children to actively seek employment and making an appropriation therefor.

#### AMENDMENT

Amend RSA 167:3 as inserted by section 3 of the bill by striking out lines eight through seventeen of the section and inserting in place thereof the following:

refuse to comply with such request, the director of the division of welfare may bring an appropriate proceeding in the superior court in the name of the state to compel such support or contribution thereto. If upon hearing it shall appear that such relative is able to provide the support of such person or to contribute thereto, the court shall enter an order accordingly and shall fix the amount and method and manner of payment. Failure to comply with any such order, without good cause as determined by the court at a hearing, shall be deemed contempt of court and punished accordingly. Such proceedings shall be brought by the attorney-general or the county attorney for the county in which any such relative resides when so requested by the director of the division of welfare.

Amend section 6 of the bill by striking out said section and inserting in place thereof the following:

6 Effective Date. Sections 1, 2, 4 and 5 of this act shall take effect July 1, 1973. Section 3 of this act shall take effect July 8, 1973.

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment adopted.

HB 657, establishing a state-wide trail system.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to a state-wide trail system.

Amend section 1 of the bill by striking out the first three lines and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 216-E the following new chapter:

#### Chapter 216-F

Further amend said section by striking out citation to RSA 216-E:1-5 and renumbering said sections to read:

216-F:1      216-F:2      216-F:3      216-F:4

and 216-F:5 respectively.

#### Explanation

This amendment is necessary to conform the title to the substance of the bill and to renumber the new chapter.

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment adopted.

HB 755, conferring immunity from civil suit on municipal executives acting in their official capacity and providing for indemnification of officers and employees of municipalities and school districts from liability for damages and allowing municipalities to purchase insurance therefor.

### AMENDMENT

Amend section 1 of the bill by striking out the first line of said section and inserting in place thereof the following:

1 New Subdivision. Amend RSA 31 by inserting after section 103 the follow-

Further amend section 1 of the bill by renumbering RSA 31:99, 31:100; 31:101; 31:102; 31:103 respectively, as follows:

31:104    31:105    31:106    31:107    31:108

Amend the renumbered 31:107 as inserted by section 1 of the bill by striking out in line two the references "RSA 31:100 and 101" and insert in place thereof the following:

RSA 31:105 and 106

Amend the renumbered RSA 31:108 as inserted by section 1 of the bill by striking out in line three the reference "RSA 31:99" and in line four the references "RSA 31:100" and RSA 31:101" and insert in place thereof the following, respectively:

RSA 31:104    RSA 31:105    RSA 31:106

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment adopted.

HB 293, to provide partial exemption from real estate taxes for persons sixty-five years of age or older, and complete exemption from real estate taxes for persons eighty years of age or older, under certain circumstances.

#### AMENDMENT

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Application Procedure; Proration; Limitation. Whenever reference is made to RSA 72:38 in RSA 72:40-a, 72:40-b, 72:41, 72:42, and 72:43 such reference shall be construed to include RSA 72:39-a and RSA 72:39-b as inserted by section 2 of this act.

5 Tax Commission Change. In the event that "An Act relative to the administration of the revenue laws" is enacted by the 1973 session of the general court, wherever the words "tax commission" appear in RSA 72:39 and RSA 72:39-a as amended or inserted by sections 1 and 2 of this act, it shall be construed to mean the department of revenue administration.

6 Effective Date. This act shall take effect April 1, 1974 and shall apply with respect to the tax year commencing on that date.

Sen. R. Smith moved that the Senate concur with the amendment.

Amendment adopted.

HB 509, increasing the salaries of the classified, and unclassified employees and making an appropriation therefor and providing for an associate commissioner of public works and highways and providing for a deputy commissioner of safety and providing for additional assistant business supervisor.

### AMENDMENT

Amend RSA 94:1 as inserted by section 5 of the bill by striking out the lines reading:

Assistant superintendent, New Hampshire hospital	20,115	23,530
Director of clinical services	21,475	23,555
Director of clinical and surgical services	21,475	23,555
Director of correctional psychiatry	21,475	23,555
Director, out-patient services	21,475	23,555
Director of psychiatric education and research	21,475	23,555
Senior psychiatrist	20,228	23,457
Superintendent, New Hampshire hospital	26,875	31,030

and by inserting in proper alphabetical order in said RSA 94:1 the following:

Unit Director, New Hampshire Hospital	26,000	30,000
Senior Physician/Psychiatrist	24,000	28,000
Superintendent, New Hampshire Hospital	30,000	32,500
Assistant Superintendent for Professional Services	29,000	32,000
Assistant Superintendent, New Hampshire Hospital	23,000	27,000

Amend RSA 94:1-a as inserted by section 6 of the bill by striking out the lines reading:

Assistant superintendent, New Hampshire hospital	20,919	24,471
Director of clinical services	22,334	24,497
Director of clinical and surgical services	22,334	24,497
Director of correctional psychiatry	22,334	24,497

Director, out-patient services	22,334	24,497
Director of psychiatric education and research	22,334	24,497
Senior psychiatrist	21,037	24,395
Superintendent, New Hampshire hospital	27,950	32,272

and by inserting in proper alphabetical order in said RSA 94:1-a the following:

Unit Director, New Hampshire Hospital	26,000	30,000
Senior Physician/Psychiatrist	24,000	28,000
Superintendent, New Hampshire Hospital	30,000	32,500
Assistant Superintendent for Professional Services	29,000	32,000
Assistant Superintendent, New Hampshire Hospital	23,000	27,000
Amendment adopted.		

### CONCURRENT RESOLUTION

Sen. Porter and Sen. Foley moved that the Senate recess to meet at 10:00 a.m. tomorrow, June 30, 1973, and that when it meets tomorrow it shall meet only for the purpose of receiving and adopting enrolled bills reports and enrolled bills amendments and House messages.

Adopted.

### RECESS OUT OF RECESS

June 30, 1973

(Sen. Porter in the Chair)

### RESOLUTION

*Whereas*, it appears that all necessary legislative work has been accomplished by June 30, 1973,

*Therefore, be it resolved* by the House of Representatives, the Senate concurring that the 1973 regular session of the Legislature be brought to final adjournment on Saturday, June 30, 1973, and that the President and Speaker appoint a committee to wait upon his excellency the Governor and inform him that the



Legislature has completed the business of the session and is ready to be adjourned and is ready to receive any communication he may wish to make.

The Chair appoints Sens. Downing and Sanborn to wait upon the Governor.

## JOINT CONVENTION

### PROROGUEMENT

### AFTER CONVENTION

Sens. Downing, Sanborn and Provost moved the Senate adjourn at 1:01 p.m. June 30, 1973.

## SENATE BILLS THAT DIED WITH ADJOURNMENT

SB 258, relative to the legal length of lobsters.

SB 235, pertaining to open charge accounts and the maximum allowable interest.

SB 225, relative to smelt fishing upon the waters of Squam Lake, Lake Winnepesaukee and Lake Sunapee by paraplegics, and other nonambulatory persons.

SB 200, relative to a mandatory electrical inspection of wiring prior to the sale of certain residential, commercial or industrial property.

SB 160, requiring the use of safety glazing materials in hazardous locations, in residential, industrial, commercial and public buildings.

SB 148, relative to permits for the sale of alcoholic beverages.

SB 136, validating permits issued to carriers by the public utilities commission under the "grandfather's" clause.

SB 135, requiring certain coverages at the option of the insured to be included in standard fire insurance policies.

SB 4, providing for the state to contribute a proportionate share of the expenses incurred by cities and towns relative to action imposed by water supply and pollution control; and making an appropriation therefor.

SB 141, providing for continued expenditures at current levels in the event a subsequent budget is not enacted.

SB 157, to increase the membership of the port authority by one member who shall be a commercial fisherman.

#### HOUSE BILLS THAT DIED WITH ADJOURNMENT

HB 1008, relative to the charter of the city of Dover.

HB 956, providing that licensed physicians need not report family planning information given to minors.

HB 943, authorizing the treatment and counseling of minors by professional health care personnel without requiring the consent of anyone other than the person who is receiving said health services.

HB 908, relative to the authority of the Kearsarge lighting precinct.

HB 1037, to provide for the repeal of the law tending to prohibit hitchhiking.

HB 242, relative to five percent interest on tenant's security deposit.

HB 691, providing for family planning services for all persons seeking same.

HB 759, permitting access from Rockingham Boulevard to a tract of land on the southerly side thereof.

HB 389, increasing certain penalties for forest fire violations.

HB 422, increasing the personal exemption under the interest and dividends tax.

CACR 12, providing that the Supreme Court by rule of court shall determine the value in controversy for the right of trial by jury in civil causes.

CACR 35, providing that separate items in an appropriation bill may be vetoed or reduced by the Governor and that legislative mileage shall be paid for attendance in consideration of such veto.

COMMITTEE APPOINTMENTS  
(Senate — 1973)

**RSA 9:13-a**, Advisory Budget Control Committee.

Sen. Foley.

**RSA 17-C:1**, Committee on Legislative Orientation.

Sens. Bossie and Green.

**RSA 94:2-a**, Advisory Committee to Study Salaries of State Officers and Employees.

Sen. R. Smith.

**RSA 167-A:1**, State Council on Aging.

Sen. Lamontagne.

**RSA 170:2-a**, Day Care Advisory Committee.

Sen. Gardner.

**RSA 186:13-a**, Coordinating Board of Advanced Education and Accreditation.

Sen. Green.

**RSA 200-G:1**, Education Commission of the States.

Sen. Foley.

**RSA 383:20**, Bank Advisory Board.

Sen. McLaughlin.

**HB 151**, (Chapter 454) Solid Waste Study Committee.

Sens. Porter and Johnson.

**HB 307**, (Chapter 372) Open Space Advisory Board.

Sen. Poulsen.

**HB 353**, (Chapter 149) Halfway House Advisory Committee.

Sen. Sanborn.

**HB 376**, (Chapter 351) Committee to Study State Constitution.

Thomas Rose and Sen. Spanos.

**HB 455**, (Chapter 289) Committee to Study Goals, Purposes, Etc. of State University System.

Sens. S. Smith, Johnson and Foley.

**HB 463, (Special Committee)** Special Committee to Study Proposed Sire Stakes Program.

Sens. Green, Chrmn., Blaisdell, Downing, Brown, Spanos and R. Smith.

**HB 504, (Chapter 328)** Open Space Land Study Commission.

Sen. Porter.

**HB 678, (Chapter 380)** Committee to Study Rules and Regulations Regarding Day Care Centers.

Sens. Gardner and Preston.

**HB 799, (Chapter 363)** Committee to Study Financing of New Hampshire Airports.

Sens. Brown and Blaisdell.

**HB 810, (Chapter 368)** Legislative Facilities Committee.

Sens. Trowbridge, R. Smith, Sanborn.

**HB 811, (Special Committee)** Special Committee to Study Portsmouth Port Authority Expansion.

Sens. Foley, Chrmn., Preston, Claveau, Trowbridge, Johnson and Blaisdell.

**HB 923, (Chapter 581)** Committee to Analyze A. D. Little Report.

Sens. Jacobson and Johnson.

**HB 1038, (Special Joint Comm.)** Carnival-Amusement Safety Board.

Sens. Downing, Lamontagne and Poulsen.

**HB 1047, (Chapter 316)** Office Space Study Committee.

Sens. R. Smith and Trowbridge.

**HJR 44, (Chapter 334)** Committee to Study Water Supply & Pollution Control Commission.

Sens. Porter and Claveau.

**HJR 45, (Chapter 273)** Committee to Study Laws Re Access to Public Buildings by Physically Handicapped.

Sens. Brown and Sanborn.

**HJR 48, (Chapter 279)** Committee to Study Unemployment in New Hampshire.

Sens. Bossie, Bradley and S. Smith.

**HJR 49, (Chapter 280)** Committee to Study Uniform Probate Code.

Sen. Bradley.

**SB 14, (Special Joint Comm.)** Committee to Recommend Standards of Legislative Ethics.

Sens. Downing, Provost, Bossie and Ferdinando.

**SJR 15, (Chapter 443)** Committee to Study RSA 79 and Performance of the Yield Tax.

Sen. Poulsen.

**SJR 17, (Chapter 305)** Committee to Study Adequacy of Laws Re Confidentiality of Records of State Agencies.

Sens. Bradley, Preston and Jacobson.





INDEX  
OF  
SENATE JOURNAL



## SENATE JOURNAL

### SUBJECT INDEX

The index on the pages immediately following refers to bills and resolutions by number. Page references are given for other subject matter and roll calls.

The Numerical Index following this index gives page reference to all numbered bills and resolutions.

The abbreviations listed below are used in this Subject Index:

adop	adopted
am	amended, amendment
conf	referred to conference committee
H	House
ND	new draft
nonconc	nonconcurring
rep	report
res	resolution

#### A

Abortion, regulation of .....	HB 606
Absentee voting. See: Elections	
Accidents. See: Aircraft, accidents; Insurance, accident and health; Motor vehicles, accidents	
Accounting practitioners	
licenses, application period extended .....	SB 256
public accountant and certified public accountant to mean the same	HB 892
qualifications, age 18 .....	SB 57
	HB 403
Accounts	
director	
pre-audit of claims for payments, authority to prescribe form of evidence .....	SB 245
summary fiscal report prepared annually .....	SB 11 am
division transferred to administration and finance department .....	HB 727 am
Actuary, N.H. retirement system, definition .....	HB 456
Adams, Benjamin C., commissioner of employment security, address and discussion 557-564; certificate of commendation 1443-1444	
Adjutant general, Francis B. McSwiney, address .....	270-275
Administration and control department	
abolished, functions transferred .....	HB 727
business supervisor, state agency reports, rules and regulations .....	HB 297
Administration and finance department .....	HB 727 am
Administrative procedure act .....	HB 503
study .....	HJR 32
Administrators. See: Executors and administrators	
Adoption procedures .....	HB 673
Adult, age 18 .....	SB 57
	HB 403
	HB 574
Advanced registered nurse practitioners .....	HB 574
Advertising, outdoor. See: Outdoor advertising	
Advisory budget control committee, member appointed .....	2585
Aerial surveys, resources and economic development department .....	HB 388
Aeronautics commission	
aircraft	
abandoned, authority re disposition .....	HB 103
commercial operators, definition .....	HB 280
See Numerical Index following for action on bills	

**Aeronautics commission — continued**

aircraft — continued

registration fees, structure revised .....	HB 104
director, responsibility for air search and rescue operations .....	HB 202
Age of majority lowered to 18 .....	SB 57
	HB 403

**Aged**

confined to old folks home, voting residence retained .....	SB 205
food programs on school property authorized .....	SB 237
home for, support of inmates by relatives, liability limited to 10 years .....	HB 897 am
interest and dividends tax, exemption increased at age 65 .....	SB 246
licenses, clams and oysters, free to residents age 68 .....	HB 139
property tax exemptions	
age 70, increased .....	SB 2
filing date extended for 1973 .....	SB 122
five year residency requirement eliminated .....	SB 55
names not published .....	HB 304
partial at age 65 to total exemption at age 80 .....	SB 2 am
	HB 293 am
stabilization of taxes on residential property .....	SB 25
state parks and recreational areas free for residents age 65 .....	HB 7 am
tax liens on real estate in lieu of full tax payment .....	HB 661

**Aging, state council**

advice to municipalities on administration of program for aged .....	HB 760 am
biennial report to governor and council .....	HB 297
compensation .....	SB 165
member appointed 93, 2585	

**Agriculture**

commissioner

address by Howard C. Townsend .....	258-263
certification of organic farm produce, authority .....	SB 176
eastern states exposition, rental of buildings to help defray operating expenses .....	HB 308
fertilizer, registration and inspection fees, exception .....	HB 612

department

additional appropriation .....	HJR 2
fruit marketing committee .....	HB 204 am
standardbred breeders and owners development agency .....	HB 463

**Air pollution control**

actions against polluters

by individuals, corporations, municipalities .....	SB 96
on petition of 10 residents .....	SB 108
commission, annual report to governor and council .....	HB 297
steam locomotives and engines, exemptions .....	SB 3

**Air rifles, sale or transfer, at age 18**

SB 57
HB 403

**Aircraft**

abandoned, disposition .....	HB 103
accidents, definitions and reports updated for consistency with national transportation safety board .....	HB 101
commercial operators, definition .....	HB 280
emplaning fees, escrow interest, distribution .....	HB 102 am
registration fees, structure revised .....	HB 104

**Airports**

financing, study .....	HB 799 am
lounges, alcoholic beverages, license fees increased .....	HB 850
Manchester, authority membership increased; terms; qualifications .....	SB 182
Alarm installers, license required .....	SB 198

**Alcohol and drug abuse program**

biennial report to governor and council .....	HB 297
voluntary admissions at age 18 .....	SB 57
	HB 403



advertising, certain restrictions repealed ..... HB 913  
 eighteen year olds may .....  
 purchase, sell, and transport ..... SB 57

serve incident to employment, repealed

age requirement lowered to 18

curling clubs SB 241

manufacture and sale, fees increased **HB 850**

passenger boats operating out of state ports ..... **HB 764**

special, restaurant cocktail lounges, requirements ..... HB 955

wine, special sales by manufacturer ..... HB 866

operating vehicles under influence of. See: Motor vehicles, intoxicated drivers

age requirement lowered to 18

HB 403

employment of other permit holder not prohibited ..... SB 148

fees increased ..... HB 850

felons convicted for robbery and arson not prohibited ..... SB 242

## New London SB 73

proximity to schools, churches, etc. reduced ..... SB 179 am

**Alcoholics, rehabilitation.** See: Alcohol and drug abuse program;

Algae, control in surface waters, appropriation ..... SB 159

## route 28 access to River road ..... HB 936 am

town of, fire and rescue service to Bear Brook state park, reimburse-

ment, appropriation ..... HJR 15

**Almshouses, support of dependent children abolished** ..... **HB 441**

Alvord, Rev. Graham, guest chaplain .....	283-284
---	---------

## coordinating board

membership increased SB 253

regulation by, repealed ..... SB 259

emergency calls, exempt from turnpike tolls ..... **HB 604**

unpaid volunteers, workmen's compensation coverage ..... HB 4

**American and Canadian French cultural exchange commission ..... HB 837**

## address by chairman, J. Duane Squires ..... 845-849

authorized to hire temporary employees ..... **HB 38**

erson, Leon, legislative historian, addresses 103-104, 170-173, 234-236,

284-286, 340-342, 411-413, 524-526, 609-612, 702-704, 769-771, 876-878,

966-967, 1077-1079, 1162-1163, presented by Sen. Jacobson 1576-1577

**Andover, town of, meeting legalized** ..... **HB 1016**

**Androscoggin River, water pollution abatement project, reimbursement**

to Michael Savchick ..... SJR 4

## abandonment as cruelty ..... HB 356

iseases. See: Livestock diseases

nett state park (Jaffrey), highway reclassified ..... SB 124

Antitrust, violations, powers of the attorney general to investigate and  
bring civil action

bring civil action  
 action by any individual against any person or council

Apprenticeship council, biennial report to governor and council ..... HB 297

additional or special. See agency or subject concerned, as: Markets,  
bureau of

bureau of  
hospital improvements

capital improvements

**See Numerical Index following for action on bills**

**Appropriations — continued**

general	
expenditures continued at current levels until subsequent budget enacted	SB 141
fiscal 1974 and 1975	HB 888
unexpended portions to lapse at end of fiscal year; extensions by governor and council repealed	SB 245 am
governor's contingency fund, report of expenditures to comptroller	HB 3 am
Aquatic nuisance control, appropriation	SB 159
Arbitration, disputes in superior court, voluntary	HB 652
Architects	
definition; compensation of board; rules of professional conduct; powers and fees increased	HB 844
indemnification agreements with owners or contractors re negligence prohibited	HB 805
state contracts for services, selection based on competence	HB 739
Archives. See: Records management and archives	
Area schools. See: School districts, area	
Armed forces	
members, exempt from residents tax, certifying deadline repealed	HB 121
military installations, single districts for school purposes	HB 1036
Arrest	
civil cases, court order may be directed to any police officer	HB 655
without warrant	
after accident, persons driving under influence of alcohol or drugs	SB 63 am
	HB 354
misdemeanor	SB 63
Arthur D. Little	
recommendations on state personnel system, interim study committee	HB 923 am
report, remarks by Senators	70, 89-90
Arts commission, biennial report to governor and council	HB 297
Ash Street bridge (Londonderry), name changed to Robert J. Prowse memorial bridge	HB 201
Assassination, public officers or candidates, mandatory life imprisonment	SB 10
Assessors	
education of property tax administration, appropriation	SB 249
of taxes, election in towns, population requirement eliminated	HB 531
reduced	SB 91
Association of N.H. Assessors, name changed to N.H. Association of Assessing Officials	HB 385
Athletic commission, biennial report to governor and council	HB 297
Atomic development activities coordinator, biennial report to governor and council	HB 297
Attachments	
constitutional due process limitations	SB 268
executions, and enforcement of judgments, judicial council study	SB 268 am
information included on writs	SB 213
Attorney general	
address by Warren B. Rudman	310-320
antitrust violations, civil action and investigatory powers	HB 932
assistant, additional, full time service to environmental protection department	SB 1 am
biennial report to governor and council	HB 297
duties re environmental actions brought by persons as plaintiffs	SB 96
itinerant vendor violations, authority	HB 784
motor vehicles manufacturers and dealers, business practices regulations, enforcement	SB 178
or designee, member of ballot law commission	HB 934
prosecution of violation of legislative ethics	SB 14
Attorneys	
fees included in lump sum payments on workmen's compensation appeals	HB 271

<b>Attorneys — continued</b>	
legal service corporations, participation .....	SB 173
qualifications, age 18 .....	HB 403
	SB 57
<b>Auctioneers, non-resident licenses valid when reciprocated by another state</b> .....	SB 218
<b>Audits of state investments, committee duties assigned to banks</b> .....	HB 458
<b>Automobiles. See: Motor vehicles</b>	
<b>Avery dam (Laconia), acquisition by water resources board</b> .....	HB 919

## B

<b>Babe Ruth world series, Manchester, appropriation</b> .....	HJR 37 am
<b>Back Channel (New Castle and Portsmouth), duck hunting and discharge of firearms, prohibitions</b> .....	HB 615 am
<b>Back Lake (Pittsburg), bird hunting prohibited</b> .....	HB 667
<b>Bail and recognizances</b>	
hearings in felony cases involving death and serious bodily harm, arresting officer must attend .....	SB 68 am
impaired driving appeals .....	SB 32
operator's license revoked during appeal for certain convictions .....	HB 111 am
<b>Ballot law commission</b>	
membership, attorney general or designee .....	HB 934
towns and cities may petition for limited use of paper ballots instead of machines .....	SB 106
<b>Ballots. See: Elections</b>	
<b>Banks. See also: Building and loan associations; Cooperative banks; Credit unions; Savings and loan associations; Savings banks; Trust companies</b>	
advisory board, member appointed .....	2585
branch offices, hearing prior to establishment upon request or at discretion of board .....	HB 62 am
commissioner	
address and discussion by James Nelson .....	369-379
annual report to governor and council .....	HB 297
assistant, position abolished .....	SB 95
trust companies petition of incorporation, examination fee .....	HB 417
custodial service of state bonds and coupons .....	HB 458
destruction procedure .....	SB 245 am
fiduciary, securities deposited in central or regional depository .....	SB 189
holding companies, dividends exempt from interest and dividends tax .....	HB 557
insolvent, commissioner authorized to appoint Federal Deposit Insurance Corporation as liquidating or receiving agent .....	HB 78
loans to officers, same terms as to others .....	HB 250
mortgages, service charge and prepayment penalty prohibited .....	HB 289 am
national, N.H. or Mass., state funds invested in certificates of deposit .....	HB 560
out-of-state, monthly report to state treasurer of municipal deposits .....	HB 959
service corporations not limited to computer services .....	HB 327
state, hearings prior to incorporation upon request or at discretion of board .....	HB 62 am
taxes collected from mortgagor to earn interest .....	HB 637
<b>Barbers</b>	
annual medical certificate eliminated .....	SB 127
examining and licensing board, biennial report to governor and council .....	HB 297
<b>Barrington</b>	
school district, withdrawal from Rochester area plan authorized .....	SB 250
town of, meeting legalized .....	HB 444
<b>Bartlett, town of, included in Kearsage Lighting precinct</b> .....	HB 599
<b>Bastards, word changed to children born of unwed parents</b> .....	HB 579
<b>Beano</b>	
lucky seven tickets may be sold by charitable organizations .....	HB 478
prize limit increased; winner take all pool exempt from limitations .....	HB 325
See Numerical Index following for action on bills	

**Bear Brook state park**

- fire and rescue service from Allenstown, reimbursement, appropriation ..... HJR 15  
 highway reclassified in Deerfield and Allenstown ..... SB 124 am

**Beaver**

- open season; bag limit in Coos county ..... HB 330 am  
 skins, stamped or sealed, may be sold ..... HB 157

**Belknap**

- county recreational area, name changed to Gunstock area; commission members compensation increased ..... HB 642 am  
 state park (Gilford), highway reclassified ..... SB 124

**Belleau Lake (Wakefield), name changed from Dorr Pond ..... SB 115****Berlin**

- city of  
 ambulance service to adjoining towns for 6 months ..... SB 39  
 retirement credit for Lawrence E. Marchand ..... SJR 21  
 wayside and recreation area, name changed from Berlin wayside area ..... SB 238

**Beverages. See Alcoholic beverages****Bicentennial commission on the American Revolution, authorized to hire temporary employees ..... HB 38****Bicycles**

- operation of, and compliance with road rules ..... SB 251 am  
 trails along highways ..... HB 299

**Big Pea Porridge Pond (Madison), motorboats exceeding 10 hp prohibited ..... HB 970****Bills**

- amendment procedures ..... 100  
 signed by vice-president, majority leader, or minority leader in absence of president ..... 99

**Birds**

- exceptions to fish and game importation permits ..... SB 150  
 hunting prohibited on Back Lake (Pittsburg) ..... HB 667

**Birth registration cards, fees increased ..... HB 629****Blackwater River and tributaries, reclassified ..... HB 384****Blaisdell, Sen. Clesson J., free state park passes, objections to governor's cancellations ..... 56-57****Blaisdell, Junie, basketball referee, article from *Keene Sentinel* ..... 155****Blind**

- children, parental liability for public medical assistance ..... HB 428  
 property tax exemption  
 determination of legally blind ..... SB 223 am  
 increased ..... SB 223  
 HB 901

**Blue Cross, Blue Shield. See: Hospital service corporations; Medical service corporations****Blue Star memorial highway, U.S. 3 and interstate 89 included in system HJR 6****Boards. See distinctive word in name, as: Pesticides control board****Boats**

- accidents, reported to safety services director ..... HB 856  
 commercial, responsibility transferred from motor vehicles director to safety services director ..... SB 146  
 moored, maliciously letting loose ..... HB 110 am  
 motor  
 horsepower restricted on Big Pea Porridge Pond (Madison) ..... HB 970  
 horsepower restricted on Great Pond (Kingston) ..... SB 232  
 over 7½ horsepower prohibited on Cocheco River within Rochester city limits ..... HB 53 am  
 petroleum powered, prohibited on Brindle Pond (Barnstead) ..... HB 13  
 petroleum powered, prohibited on Mount William Pond (Weare) ..... HB 689  
 petroleum powered, prohibited on Willard Pond (Antrim) ..... HB 671 am  
 petroleum powered restricted to 6 horsepower on Merrymeeting River (New Durham to Alton) ..... HB 911  
 registration, revocation or suspension, responsibility of director of safety services ..... SB 145



**See Numerical Index** following for action on bills



**Business profits tax — continued**

exemptions from filing returns; late filing fees discretionary .....	HB 141
optional method of payment by seasonal businesses .....	HB 624 am
<b>Business supervisor transferred to administration and finance</b>	
department .....	HB 727 am
<b>Butler, Henry, additional verse for state song .....</b>	<b>SB 12</b>

**C**

<b>Cabanel, Judith, reimbursement for damage to clothing, appropriation .....</b>	<b>HJR 37 am</b>
<b>Cambodia, air operations, memorializing U.S. president and congress .....</b>	<b>SCR 7</b>
<b>Campbell, Rev. Thomas H., guest chaplain .....</b>	<b>1162</b>
<b>Canadian and American French cultural exchange commission .....</b>	<b>HB 837</b>
<b>Cancer commission</b>	
biennial report to governor and council .....	HB 297
supplemental appropriation .....	SJR 5
<b>Cannon Mt.</b>	
ski area, resident student discount to age 18 .....	SB 57
world cup ski championship, 1975, appropriation .....	HB 403
Capias, court order may be directed to any police officer .....	HJR 37
Capital improvements appropriation .....	HB 655
Castle Junior College (Windham), degree granting powers .....	HB 811
Cattle, diseased, indemnity payments for killing increased .....	HB 249
Cemeteries, gifts and legacies valid for no more than 40 years .....	HB 421
Census of people required on inventory blanks .....	SB 72
Central N.H. turnpike, overpass in Merrimack for access to private property .....	HB 349
Centralized automated data processing. See: Data processing	SB 266
Certified public accountants. See: Accounting practitioners	
Chaplain, committee appointed to select 20, Rev. Vincent Fischer elected 61	
<b>Charitable organizations</b>	
beano, lucky seven tickets may be sold .....	HB 478
political committee or party included in definition for holding raffles .....	HB 947
uniform management of institutional funds act .....	SB 75
<b>Charitable trusts</b>	
definitions .....	SB 58
director, regulation of trustees' compensation .....	SB 72
termination by superior court, limitations .....	HB 651
<b>Checklists. See: Elections</b>	
<b>Cheney, Milo, elected sergeant-at-arms .....</b>	<b>12</b>
<b>Cheshire county</b>	
probate court, day of session changed .....	SB 48
proposed courthouse, location in Keene .....	HB 711
public defender system .....	SB 101
<b>Chester, deer hunting, loose buckshot prohibited .....</b>	<b>HB 46</b>
<b>Child and Family Service of N.H., name changed from Family Service of Concord .....</b>	<b>HB 694</b>
<b>Children. See also: Minors</b>	
adoption procedures .....	HB 673
and youth, N.H. commission on .....	SB 81
benefit services	
increased .....	SB 267
school boards must provide .....	SB 64
born of unwed parents .....	HB 579
child caring agencies	
age limit increased .....	HB 442
application of welfare division regulations, study .....	HB 678 am
cruelty provisions repealed .....	HB 577 am
personnel, health certificates, additional examinations when necessary .....	HB 896
placement, age increased .....	HB 577

**Children — continued**

- chronic kidney disease, care and treatment ..... HB 390
- day care advisory committee, membership increased, representation by  
users of facilities included ..... HB 548 am
- dependent, aid to families
  - eligible if father unemployed ..... HB 878
  - eligibility only until age 18 ..... SB 57
- dependent and neglected, inspection of homes and adoption pro-  
cedures ..... HB 441
- foster
  - inheritance tax exemption provisions ..... SB 153
  - tuition paid by state to school districts ..... SB 255
- handicapped
  - education, attendance excused, appeal to state board of education ..... HB 796
  - education, minimum age eliminated ..... HB 502 am
  - education, school districts tuition liability limited ..... SB 76
  - education, state board to set age ..... HB 394
  - education to age 18 ..... SB 57
  - parental liability for public medical assistance ..... HB 428
- illegitimate, statutory references changed to children born of unwed  
parents ..... HB 579
- neglected and abused, legal representation provided ..... SB 78 am
- neglected and delinquent
  - age limit 18; custody of neglected or abused child ..... SB 112
  - committal, under age 18 ..... SB 57
- confinement prohibited unless adult would be confined for same  
offense ..... HB 265
- crimes allegedly committed to be reported ..... HB 578
- mental health evaluation prior to subsequent hearing ..... SB 88
- support payments deducted by father's employer, not subject to at-  
tachment limitations ..... SB 230 am
- termination of parental rights ..... SB 90
- Chimento, Carmen C.**, letter on senate meeting in Nashua ..... 386-387
- Chiropractic examiners board**, biennial report to governor and council ..... HB 297
- Chiropractors**
  - continuing education required ..... HB 228
  - participation in medical service corporations ..... HB 229
  - qualifications, age 18 ..... SB 57

HB 403

**Churches. See: Religious organizations; names of churches****Cities**

- aged, municipal programs administered by non-profit corporations ..... HB 760
- capital reserve funds for reappraisal of real estate or tax mapping ..... HB 194
- charter amendments
  - consistent with RSA allowed ..... HB 917
  - petition submitted by voters ..... SB 177
- district courts, distribution of fines ..... SB 40
- elections. *See: Elections*
- eminent domain, relocation assistance authorized when necessary to  
qualify for federal funds ..... HB 338
- employees. *See: Public employees*
- fiscal year, optional, debt limit during transition ..... HB 693
- flood hazard ordinances, water resources board approval ..... SB 47
- historic districts, procedure for abolishing ..... HB 414
- managers, member of N.H. retirement system, voluntary ..... HB 751
- officials
  - indemnification and insurance for damages ..... SB 130
  - indemnification and liability insurance ..... HB 755 am
- outdoor advertising, regulatory ordinances and fees for permits ..... SB 194
- parking facilities
  - annual rates ..... SB 210

See Numerical Index following for action on bills

**Cities — continued**

parking facilities — continued	
free to certain persons upon approval by council .....	SB 209
pauper relief, guidelines and standards .....	SB 216
police chiefs, powers; suspension, appeal to superior court .....	HB 898
reimbursement for revenue lost due to property tax exemptions .....	SJR 12
reserve funds authorized in anticipation of new fiscal year .....	HB 449
sealer of weights and measures, position eliminated when population under 35,000 .....	HB 68
taxes. See: Taxes	
trust funds, investments in stocks and bonds may be retained after re- moval from legal lists .....	SB 72
water pollution control, state financial assistance for preliminary expenses .....	SB 4
zoning boards of adjustment, alternate members .....	HB 96
City clerks, absentee registration forms available from .....	HB 106 am
City treasurers, investment of surplus funds .....	HB 959
Civil defense, definition; executive council to replace advisory council .....	HB 192
<b>Civil procedure</b>	
habitual offenders of motor vehicle laws; appeals by state or defendant to supreme court .....	HB 438
replevin .....	SB 247
summary judgements, motions for in district courts .....	SB 50
supreme court to determine monetary level for right to trial by jury .....	CACR 12
<b>Civil rights, discrimination in selling or renting commercial structures prohibited .....</b>	<b>SB 19</b>
<b>Claims against N.H.</b>	
Ellis, George T. ....	HJR 7
North Conway fire department .....	HJR 22
Valenti, Charles and Catherine .....	SJR 22
<b>Clams</b>	
and clam worms, licenses, free to residents age 68 .....	HB 139
taking within 200 miles by non-residents prohibited .....	HB 286
Claremont, city of, police commission appointed by city manager; referendum .....	HB 771 am
Clarksville, town of, payments in lieu of taxes on Murphy dam on Lake Francis .....	HJR 12
Claveau, Millie, letter of appreciation .....	830
<b>Clerk</b>	
assistant, Carl Petersen elected .....	11-12
Wilmont S. White, elected .....	9-10
Cleveland, James, U.S. Congressman, remarks .....	1246
Clough state park (Weare), highway reclassified .....	SB 124
Clubs, alcoholic beverages, licenses, fees increased .....	HB 850
Cochecho River, motor boats, over 7½ horsepower, prohibited within Rochester city limits .....	HB 53 am
Cog railway. See: Railroads	
Colebrook school district, vote adopting Colebrook-Columbia area plan legalized .....	HB 1016 am
<b>Collective bargaining</b>	
contracts authorized between housing authorities and unions .....	HB 547
public employees .....	SB 196
	HB 889 am
teachers; enforcement of strike prohibition .....	HB 889
<b>Colleges and universities. See: Education, higher; University of N.H.;</b>	
names of colleges	
<b>Combinations and monopolies, remedies and enforcement .....</b>	<b>HB 932</b>
<b>Commissioners. See: County commissioners</b>	
<b>Committees. See also: General Court; Study commissions, committees, and assignments</b>	
conference, reports not acted upon, discharged .....	2572
standing .....	28-29, 42-43
and special, members reimbursed for mileage .....	HB 834 am
<b>Common law, age of majority abrogated .....</b>	<b>SB 57 am</b>
	HB 403 am

Community colleges, statute repealed .....	HB 843
Community recreation service director, bicycle trails along highways, appropriation .....	HB 299
Competitive bidding, open, required by counties .....	HB 939
Comprehensive planning. See: Planning, comprehensive	
Comptroller	
John Flanders, outline of his department and discussion .....	391-405
transferred to accounting and control division of administration and finance department .....	HB 727 am
Concord	
Blue Cross-Blue Shield building (old), renewal of lease by state .....	SJR 10
city of	
council vacancies, special elections; absentee voting; referendum .....	SB 140
fire truck purchase by state, appropriation .....	HJR 30
office space and parking area, purchase and renovation by state .....	HB 262 am
Concord College (Manchester), degree granting powers .....	HB 146
Condemnation. See: Eminent domain	
Confidentiality of records	
business profits tax, disclosure limited .....	HB 309
child welfare services .....	HB 578
state agencies, study .....	SJR 17
Connecticut River (Charlestown), erosion project, appropriation .....	HJR 8
Conservation	
and preservation restrictions on real estate deeds .....	HB 747
commissions	
general amendments .....	HB 664
notified of excavating and dredging intentions .....	HB 817 am
officers, line of duty injury not charged against sick leave .....	SB 84
projects, municipally owned, employment of county prisoners .....	HB 847 am
Constitutional amendment proposals	
agencies exceeding 10% of previous budget, $\frac{2}{3}$ vote required in each house .....	CACR 5
general court	
compensation and mileage, recall from recess to consider item vetoes .....	CACR 35
membership, Senate increased to 36; quorum increased to 19 .....	CACR 23
mileage, deadline date removed .....	CACR 10
Senate may originate revenue bills .....	CACR 21
special session called by majority vote of the legislature .....	CACR 33 am
governor, 4 year term, elected in nonpresidential election years .....	CACR 22
Senate, qualifications, age 25 .....	CACR 32
superior court, civil suits, jury verdicts by 9 of 12 jurors .....	CACR 7
supreme court to determine monetary level for right of trial by jury in civil cases .....	CACR 12
taxation, proportional eliminated .....	CACR 34
voting, age 18 .....	CACR 11
Constitutional amendments, referendum, absentee ballots .....	HB 434
Constitutional convention	
delegates, election .....	HB 336
resolution referrals	
imposition of nonproportional taxes .....	CACR 34
Senate membership increased .....	CACR 23
Constitutional revision, commission to study .....	HB 376
Consumer credit	
interest	
charge accounts after 60 days only; limitation on rates .....	SB 105
limited to 9% annually; statement of charges on specific purchases .....	SB 235
limited to 12% annually .....	HB 960 am
reporting agencies, copy of reports to consumers .....	HB 395
sales, obligations of holder in due course .....	HB 644
Consumer prices, res for study .....	557

See Numerical Index following for action on bills



<b>Consumer protection</b>	
business practices, limitations and exemptions	HB 773
implied warranties may be excluded	HB 910 am
motor vehicles, manufacturers and distributors, warranty bonds required	HB 788
safety glazing materials required in hazardous locations	SB 160
<b>Contoocook Valley school district, town clerks to prepare ballots for board members</b>	HB 761
<b>Contraceptive</b>	
devices, provided to minors without parental consent	HB 956
procedures, information provided	HB 691
<b>Contractors, indemnification agreements with architects or engineers re negligence prohibited</b>	HB 805
<b>Conway, town of, meeting legalized</b>	HB 1016
<b>Cook, Norman S., transferred to N.H. retirement system</b>	SB 240
<b>Cooperative banks</b>	
investments	
real estate, limitations	HB 359
real estate with long-term leases	SB 163
stocks and bonds, limits increased	HB 820
liquidation, investors and depositors equal creditors	SB 164
liquidity requirements	SB 152
loans to officers, same terms as to others	HB 250
mobile homes, loans increased	SB 155
<b>Cooperative extension work, appropriation</b>	HB 310
<b>Cooperative schools. See: School districts, cooperative</b>	
<b>Coordinating board of advanced education and accreditation</b>	
committee member appointed	2585
replaced by postsecondary education commission	HB 843
<b>Coos county</b>	
beaver, bag limit	HB 330 am
nursing hospital (West Stewartstown), renaming of almshouse	HB 786
<b>Corporations</b>	
annual returns, exemptions	HB 37
charters repealed	SB 270
clearing, defined under uniform commercial code investment securities	HB 973
closely held with 2 equal shareholders, deadlock provisions	HB 1035
foreign	
corporate charter and record of organization filed with secretary of state	SB 34
notification of suspension after nonpayment of fees for 2 consecutive years	HB 36
insurance, not required to designate corporate status in name	SB 134
non-profit	
administration of municipal programs for aged	HB 760
legal services	SB 173
participation in limited partnerships	HB 861
<b>Corson, Bernard, director of fish and game, address</b>	797-803
<b>Cost of living</b>	
increases for retired teachers, policemen, firemen, and state employees	SB 100 am
study, res	557
<b>Cotton, Norris, U.S. Senator, letter re social security increase and holiday dates 388; certificate of commendation, res 2252-2253, reply 2480</b>	
<b>Counties</b>	
accounting reports, standards revised every 5 years	HB 891 am
aged, municipal programs administered by non-profit corporation	HB 760
budget statement, date of delivery	HB 569
charters, local option, government changed to council-manager form	SB 262
commodity food distributing agent	SB 120
competitive open bidding required	HB 939
election. See: Elections	
employees. See: Counties, officers; Public employees	
farms, superintendent separate position from superintendent of houses of correction	HB 365



**Counties — continued**

- fiscal year, optional, debt limit during transition ..... **HB 693**
- officers
  - employees, or agents, private use of prisoners or county credit prohibited ..... **HB 72 am**
  - salary set by county convention, fees paid over to treasurer ..... **SB 187**
- pauper relief, guidelines and standards ..... **SB 216**
- reserve funds authorized in anticipation of new fiscal year ..... **HB 449**
- treasurer. See: County treasurers

**County attorneys**

- criminal information filed by in lieu of indictment proceedings ..... **SB 8**
- district court prosecutors, appointments ..... **SB 80**
- special assistant, position authorized ..... **SB 74**

**County commissioners**

- appointment and removal of medical referees ..... **HB 370**
- authority for actions must appear in minutes of meetings ..... **HB 855**
- budgets, failure to comply with requirements, prima facie evidence of misdemeanor ..... **HB 1023 am**
- employment of legal counsel ..... **HB 828**
- office incompatible with member of general court ..... **HB 114**
- powers and authority, approval by majority required ..... **HB 883**
- prohibited from holding any other county office ..... **HB 39**
- replaced by county managers in local option county charters ..... **SB 262**

**County conventions**

- appropriation for investigation committees ..... **HB 801 am**
- executive committees
  - may consider budget; officers of convention shall be ex-officio members of committee ..... **HB 958 am**
  - to fill vacancies in county office ..... **HB 270**
- investigation committees, expenses approved by executive committee ... **HB 801**
- legal counsel, employment provisions ..... **HB 893**
- per diem and mileage compensation increased ..... **HB 163 am**
- separate county office of elected members in place of representatives to general court ..... **SB 261**

**County treasurers**

- appearance before executive committee in support of additional appropriation request ..... **HB 854**
- investment of surplus funds ..... **HB 959**
- Merrimack, additional duties ..... **HB 220**
- registers of deeds' fees paid over to ..... **HB 179 am**
- term increased ..... **HB 153**

**Courts. See also: District courts; Municipal courts; Superior court; Supreme court**

- reporters, qualifications, age 18 ..... **SB 57**
- small claims entry fees, for municipalities where court is located ..... **HB 403**
- small claims entry fees, for municipalities where court is located ..... **HB 690**

**Crabs, fish and game regulations, violations****HB 131****Credit. See also: Consumer credit**

- cards, certain insurance sales permitted ..... **SB 123 am**
- life and accident insurance, 10 years duration or less, regulation ... **HB 748 am**
- sales, statutory collection fee for debts not paid within 30 days of notice **SB 103**
- unions, annual meetings ..... **HB 564**

**Crime and delinquency, governor's commission, annual report to governor and council****HB 297****Crimes and offenses. See also specific crime**

- assassination of public official or candidate, mandatory life imprisonment ..... **SB 10**
- drugs. See: Drugs
- felonies involving death and serious bodily injury, hearings to set bail, arresting officer to attend ..... **SB 68 am**
- heroin, sale and possession, mandatory sentence ..... **SB 226**
- penalties

See Numerical Index following for action on bills

**Crimes and offenses — continued**

## penalties — continued

misdemeanors and felonies, statutory revision .....	HB 608
violations and misdemeanors, statutory revision .....	HB 609
violations, statutory revision .....	HB 610
possession of firearms during commission of crimes, penalties increased ..	SB 9
reclassification of RSA title LVIII .....	HB 703
statutory revision for conformity with criminal code .....	HB 1015
voter intimidation, penalty increased .....	HB 935

**Criminal code**

certain chapters of penal statutes transferred or repealed to conform with .....	HB 703
penal statutes revised to conform with .....	HB 608
	HB 609
	HB 610
	HB 611
	HB 1015

**Criminal procedure**

appeals from district and municipal courts only to supreme court .....	SB 7
county attorney may file complaint in lieu of indictment proceedings .....	SB 8
improvement, joint legislative committee, study .....	SCR 8
jury trials on appeals for violations prohibited .....	HB 580
neglected and abused children, legal representation provided .....	SB 78 am

**Crippled children services bureau, children with chronic kidney disease, appropriation .....**

HB 390

**Curfew, minors, time extended .....**

SB 15

**Curling clubs, alcoholic beverage licenses permitted .....**

SB 241

**Current use advisory board. See also: Tax commission**

member appointed .....	208
------------------------	-----

**D****D'Allesandro, Rep. Louis, presentation of res to Greg Landry .....**

1671

**Dams. See also: Water resources board**

## village districts may impound water and contract with water resources

board for dam maintenance .....	HB 506 am
---------------------------------	-----------

**Dartmouth medical school, education for qualified N.H. residents .....**

HB 368

**Data processing**

## commission

address and discussion by chairman, Stewart Lamprey .....	445-460
annual report to governor and council .....	HB 297
director, preparation of checks, liability for errors .....	SB 245 am

**Davis scenic drive (New Boston) named .....**

SB 161

**Davison, Harold King, former senator, res .....**

1161

**Day care. See also: Children, child caring agencies**

## advisory committee

member appointed .....	2585
membership increased, representation by users of facilities in- cluded .....	HB 548 am

**Deaths**

boating accidents, reported to safety services director; investigations ..	HB 856
motor vehicle accidents, blood test on victims; confidentiality of records .....	HB 649

wrongful, limitation on recovery by dependent abolished .....	HB 364 am
---	-----------

**Deeds and conveyances, conservation and preservation restrictions on**

real estate .....	HB 747
-------------------	--------

**Deer**

## hunting

areas closed by fish and game director, commission approval required .....	HB 763
in Chester, loose buckshot prohibited .....	HB 46
in designated areas by disabled persons .....	HB 1017
open season November 1-15 .....	HB 387
season extended for residents .....	HB 922

- Deer — continued
  - hunting — continued
  - split season prohibited ..... SB 16
  - transporting, minors under 16 must be accompanied by licensee at least 18 years old ..... SB 57
- HB 403
- Dental education out of state for N.H. residents, tuition loan program ... SB 248
- Dental examiners board, biennial report to governor and council ..... HB 297
- Dental service corporation, subject to insurance laws and regulations .... SB 217
- Dentists, qualifications, age 18 ..... SB 57
- HB 403
- Descent and distribution, passage of testate and intestate real and personal property ..... HB 54 am
- Dialysis, treatment for children with chronic kidney disease ..... HB 390
- Dickerson, Rev. Park D., guest chaplain ..... 1241
- Disabled
  - deer hunting in designated areas ..... HB 1017
  - permanently and totally
    - aid, citizenship requirement repealed; reimbursement to state by county or town ..... HB 429
    - veterans, homestead tax exemption ..... SB 92
  - smelt fishing by net on certain lakes ..... SB 225
- Disasters, man made, included in civil defense ..... HB 192
- Discrimination in selling or renting commercial structures prohibited ..... SB 19
- District courts
  - appeals to superior court in criminal cases repealed ..... SB 7
  - criminal cases, prosecutor program ..... SB 80
  - distribution of fines to cities and towns ..... SB 40
  - fees increased ..... HB 887
  - implied consent law, chemical tests, expenses deducted from fines ..... SB 33
  - jurisdiction, civil cases, concurrent with superior court, damages increased to \$3,000 ..... SB 215
  - justices
    - of the peace acting as special justices, repealed ..... HB 377
    - of the peace, disinterested members of the bar, may sit as special justices ..... HB 377 am
    - salary increased; practicing law prohibition, salary limit raised ..... HB 887
    - special, alternate salary increased ..... HB 987
  - Manchester, clerk, salary increased; position of deputy eliminated ..... SB 252
  - motions for summary judgments authorized ..... SB 50
  - recording devices permitted ..... HB 975
  - reimbursement to towns for maintenance of courtrooms increased ..... HB 246
- Diving, inland waters, diver's flag required; penalty ..... HB 292 am
- Divorce, costs, court determination of liability ..... SB 77
- Dogs
  - hunting, training fees and regulations ..... HB 948
  - licenses, disposition of fees ..... HB 343
  - licensing and restraining, penalties increased ..... HB 345 am
  - racing
    - licenses, moratorium until June 30, 1975 ..... SB 222
    - tracks at least 40 miles apart ..... SB 183
- Domestic relations
  - actions, costs, court determination of liability ..... SB 77
  - probate courts, jurisdiction, study ..... SB 83
  - property rights of resident wife or husband not to include children .... HB 576
- Donahue, Francis J., retirement credit ..... SJR 6
- HJR 43 am
- Doorkeeper, Paul Hatch nominated, Willard Gowen elected ..... 19-20
- Dorr Pond (Wakefield), name changed to Belleau Lake ..... SB 115
- Dover, city of
  - new charter; referendum ..... HB 1008
  - purchase of land and water rights in Rochester to augment water supply ..... HB 1045

See Numerical Index following for action on bills

**Dover-Somersworth interchange**

appropriation included in turnpike extension ..... **HB 247 am**  
 turnpike construction, appropriation increased ..... **SB 202**

**Downey, Mary S., retirement credit** ..... **SJR 8**

**Doyon, Col. Paul, director of state police, address 833-843; certificate of commendation 844**

**Drake, Rep. Arthur M., certificate of commendation** ..... **1159-1160**

**Dredging.** See: Excavating

**Drownings, reported to safety services director** ..... **HB 856**

**Druggists.** See: Pharmacists

**Drugs**

abuse. See also: Alcohol and drug abuse program; Halfway houses

minors, treatment without parental consent, age limitation removed **HB 943**

treatment program, memorializing governor and congressmen, res  
 1756, adop 1985-1986

controlled, medical association or corporation dispensing, license  
 required ..... **HB 743**

education, public schools ..... **HB 905**

heroin, sale and possession, mandatory sentence; rehabilitation of  
 addicts ..... **SB 226**

narcotic, illegal sale, mandatory minimum sentence ..... **SB 131**

operating vehicles under influence. See: Motor vehicles, driving under  
 influence of drugs

prescription

list with prices to be posted in pharmacies ..... **HB 222**

to include generic and brand names ..... **HB 148**

**Dual enrollment.** See: Education

**Durham, town of**

bond issue authorized in lieu of a portion of taxes ..... **HB 953**

calendar year accounting period, referendum ..... **HB 952**

**Durkin, John, insurance commissioner, remarks by Sen. Spanos 122-124,  
 address 734-742**

**Duvall, Robert, labor commissioner, remarks by Sen. Foley 89, address  
 675-681**

**E****Eastern N.H. turnpike**

Dover-Somersworth interchange construction, appropriation increased **SB 202**

extension of Spaulding turnpike and improvements of route 16 from  
 Rochester to Berlin, res by city council of Berlin ..... **1028**

two lane extension; appropriation to include completion of Dover-  
 Somersworth interchange ..... **HB 247 am**

**Eastern states exposition, rental of buildings to help defray operating  
 expenses** ..... **HB 308**

**Eaton, Charles C., appointed director of Senate research** ..... **120**

**Echo Lake state park (Conway), highway reclassified** ..... **SB 124**

**Education.** See also: School boards; School districts; Schools

adult, English language instruction for non-English speaking persons  
 at age 18 ..... **SB 57**

children in institutions, school districts liable for expenses ..... **HB 403**

commission of the states, committee member appointed ..... **HB 809**  
 2585

commissioner, address and discussion by Newell Paire ..... **488-503**

dental, out of state for N.H. residents, tuition loan program ..... **SB 248**

drug and venereal disease, instruction ..... **HB 905**

dual enrollment, state board to regulate programs ..... **SB 267**

elementary and secondary N.H. studies project, appropriation ..... **SB 224**

foster children, tuition paid by state ..... **SB 255**  
**HB 495**

handicapped children

attendance excused, appeal to state board of education ..... **HB 796**

minimum age eliminated ..... **HB 502 am**

school districts' tuition liability limited ..... **SB 76**



**Education — continued**

- handicapped children — continued
    - state board to set age ..... HB 394
    - to age 18 ..... SB 57
  - high school equivalency examination ..... HB 974
  - higher
    - and health facilities authority, biennial report to governor and council ..... HB 297
    - Dartmouth medical school, openings for qualified N.H. residents ..... HB 368
    - loan program, minors under age 18 qualified ..... SB 57
    - ..... HB 403
  - New England compact, board membership increased; authority for disbursements ..... SB 207
  - scholarships for orphans of veterans of Southeast Asian conflict ..... HB 601
  - tuition assistance for difference in cost at UNH and regional private, non-profit college where student is accepted ..... SB 234 am
  - illiterates, English language instruction to age 18 ..... SB 57
  - ..... HB 403
  - property tax administration, appropriation ..... SB 249
  - provided to age 18 ..... SB 57
  - ..... HB 403
  - school volunteer programs ..... HB 472
  - staff development programs, appropriation ..... SB 87
  - state aid, school buildings, supplemental appropriation ..... SJR 2
  - state board
    - biennial report to governor and council ..... HB 297
    - fire fighters training program ..... SB 244
    - handicapped children, tuition responsibility ..... SB 76
    - learning disability teachers ..... HB 255
    - nutrition education curriculum ..... HB 352
    - regulation of dual enrollment programs ..... SB 267
    - to set age at which handicapped children may have schooling provided ..... HB 394
  - vocational. See: Vocational education
- Educational organizations, uniform management of institutional funds act** ..... SB 75
- Eighteen year olds, given full rights of majority** ..... SB 57
- ..... HB 403
- Elderly. See: Aged**
- Elections**
- absentee ballots
    - adoption in towns, village districts, and school districts ..... HB 9
    - for voting on constitutional amendments ..... HB 434
  - ballots
    - paper may be used instead of machines in limited balloting situations ..... SB 106
    - straight ticket voting abolished ..... SB 27
  - candidates
    - age 18 ..... SB 57
    - ..... HB 403
  - assassination, mandatory life sentence ..... SB 10
  - caucuses, time for holding after adoption of absentee voting ..... HB 9
  - checklists
    - absentee registration, cut off period eliminated; registration with town and city clerks ..... HB 106 am
    - evidence of citizenship for registration ..... HB 363 am
    - supervisors notified of deaths of those aged 18 ..... SB 57
    - ..... HB 403
    - town clerks may register voters ..... HB 205
    - unmarked, clerk of federal district court to receive ..... SB 53
    - verification in Franklin temporarily suspended ..... HB 802
    - verification in Manchester beginning February ..... HB 213
    - verification in Nashua ratified ..... HB 802 am

See Numerical Index following for action on bills



**Elections — continued**

checklists — continued

verification notice by regular mail; reregistration through recent voting .....

HB 232 am

constitutional amendments, voting by absentee ballot .....

HB 434

constitutional convention delegates .....

HB 336

HB 704

county officers, votes counted by secretary of state .....

HB 270

governor, every 4 years in nonpresidential election years .....

CACR 22

national conventions. See: National conventions

political advertising, use of natural objects or public utility poles prohibited .....

HB 634

polling places, flag of U.S. displayed .....

HB 707

primary

campaign expenditures, limit increased .....

HB 81

instructions on ballot .....

SB 129 am

voting when not registered as member of a party or changing registration to new party .....

SB 37

recounts, fee increased for delegate to national convention; full expenses if difference in vote is over 1% .....

HB 347 am

registration of voters. See: Elections, checklists

school districts, officers, time of taking office .....

HB 88

school supervisory unions, additional votes based on teachers employed in excess of eight .....

HB 514 am

special, constitutional amendment referendum

removing deadline date for legislative mileage .....

CACR 10

supreme court to determine monetary level for right to trial by jury in civil cases .....

CACR 12

voting at age 18 .....

CACR 11

voters

intimidation, penalty increased .....

HB 935

residency requirement, 6 months, and transfer cards abolished ..

HB 14 am

voting

at age 18 .....

SB 57

HB 403

CACR 11

bond issues in excess of \$100,000, reconsideration, 7 days delay ..

HB 485 am

patients in hospitals or old folks home, residence retained ..

SB 205

**Electric**

power facilities, site hearings, location .....

SB 149

utilities, participation in New England power pool .....

SB 181

**Electrical inspection prior to sale of real estate, mandatory .....**

SB 200

**Electricians, licensing and regulation .....**

SB 184

**Electronic roll call system, house of representatives, appropriation .....**

HJR 5

**Ellis, George T., in favor of .....**

HJR 7

**Embalmers. See: Funeral directors and embalmers****Emergency**

diagnostic detention of mentally ill .....

HB 539

medical transportation service act, repealed .....

SB 259

opportunity account in natural heritage conservation fund .....

HB 508

**Eminent domain**

procedure

initiating action, offer notice time decreased; preliminary objections, repealed .....

SB 71

not applicable to outdoor advertising along highways .....

HB 256

relocation assistance, by cities and towns, authorized when necessary to qualify for federal funds .....

HB 338

**Employee welfare, pension and profit-sharing retirement funds .....**

SB 243

**Employment security**

commissioner

address and discussion by Benjamin C. Adams .....

557-564

5 year term .....

SB 119

department

decision, appeals to superior court, filing time increased .....

SB 45

employees, unemployment compensation, appropriation .....

HB 1009

included in right to know law .....

HB 826

<b>Employment service bureau</b> , recipients of aid to families with dependent children referred to .....	HB 878 am
<b>Energy crisis</b> , study, res .....	557
<b>Engineers</b>	
board of registration, rules of professional conduct, adoption and enforcement .....	HB 122
indemnification agreements with owners or contractors re negligence prohibited .....	HB 805
state contracts for services, selection based on competence .....	HB 739
<b>Environmental laws</b> , codification, study .....	SB 228
<b>Environmental protection</b>	
actions against polluters	
by individuals, corporations, municipalities .....	SB 96
on petition of 10 residents .....	SB 108
continuing study by OHRV bureau .....	HB 10 am
department and commission .....	SB 1
mining and reclamation act .....	SB 162
<b>Epileptics</b> , sterilization of inmates of state or county institutions, abolished .....	HB 391
<b>Escrow accounts</b>	
banks to pay interest on .....	HB 637 am
tax payments on certain savings bank mortgage loans, requirement eliminated .....	HB 637 am
<b>Estates</b> . See: Descent and distribution; Executors and administrators	
<b>Ethics</b> , legislative .....	SB 14
<b>Excavating</b>	
conservation commissions and planning boards notified of intent ...	HB 817 am
conveyance of property under water, repealed .....	SB 162
special resources board, appropriation .....	HJR 10
<b>Executors and administrators</b>	
appointment, notice posted in public place repealed .....	HB 650
limitation on recovery by dependent for wrongful death abolished .....	HB 364 am
<b>Exeter River</b> , trapping fur-bearing animals permitted .....	HB 105
<b>Explosives</b> , classification, unlawful use, penalties .....	HB 830

## F

<b>Fair trade law</b> , non-profit health care facilities exempt .....	SB 132
<b>Family care homes</b> , payments increased .....	HB 272
<b>Family planning</b>	
information provided to minors without parental consent .....	HB 956
services	
list issued with marriage certificates .....	HB 95
provided by state .....	HB 691
<b>Family Service of Concord</b> , name changed to Child and Family Service of N.H. ....	HB 694
<b>Farm</b>	
land, appraisal based on current use extended .....	HB 941
products, organically grown, regulations .....	SB 176
<b>Federal aid or grants to general court</b> , authorization by joint committee on legislative management .....	HB 778
<b>Federal budget</b> , remarks by Sen. Trowbridge 207; impact on N.H., finance committee report and discussion 565-575	
<b>Federal Deposit Insurance Corporation</b> , appointment as liquidating agent for insolvent banks .....	HB 78
<b>Federal district court</b> , clerk, copy of unmarked checklist .....	SB 53
<b>Federal funds</b>	
cutbacks, effect on fiscal affairs of the state, memorializing U.S. president .....	SCR 6
environmental protection department to apply for and use .....	SB 1 am
<b>Federal military installations</b> , single districts for school purposes .....	HB 1036
<b>Federal Water Pollution Act</b> , water pollution control laws amended to comply with .....	HB 912

See Numerical Index following for action on bills

**Felons**

convicted of robbery and arson, alcoholic beverage permits not prohibited ..... **SB 242**

possessing pistols and revolvers, violation of restrictions, penalty ..... **HB 933**

**Ferdinando, Sen. Richard F., remarks on Sen. Spanos's criticism of governor** ..... **72**

**Fertilizers, registration and inspection fees; exception** ..... **HB 612**

**Fiduciaries, deposit of securities in central or regional depository** ..... **SB 189**

**Field purchases, state agencies, limit increased** ..... **SB 175**

**Fin fish**

entrapment in ocean waters prohibited ..... **SB 211 am**

fish and game regulations, violation ..... **HB 131**

**Finance committee, Sen. C. R. Trowbridge appointed chairman** ..... **29**

**Fire insurance. See: Insurance, fire**

**Fire marshal**

office of, inspectors, overtime payment ..... **HB 278**

promulgation of fire protection standards for towns and village districts ..... **HB 261**

**Fire wardens. See: Forests**

**Firearms**

loaded, prohibited on off highway recreational vehicles ..... **HB 10**

minors, certificate of competency not required after age 18 ..... **SB 57**

**HB 403**

possession during commission of crimes, penalties increased ..... **SB 9**

**Firemen**

part time or special, pension increased ..... **HB 171**

relief fund, increased amount from insurance premium tax ..... **HB 284**

training program ..... **SB 244**

workman's compensation, heart or lung disease presumed occupationally related ..... **HB 269**

**Firemen's retirement system, cost of living increase** ..... **SB 100**

**Fires, workmen's compensation coverage for persons who assist in fighting fires** ..... **SB 51 am**

**Fiscal committee. See: General court, fiscal committee**

**Fiscal year, optional, cities, towns, counties may establish reserve funds in anticipation** ..... **HB 449**

**Fischer, Rev. Vincent, guest chaplain 20, 33, 43, 48, 57, elected permanent chaplain 61, presented with volume of prayers from U.S. Senate chaplain 564**

**Fish and game****beaver**

open season; bag limit in Coos county ..... **HB 330 am**

otter, and fisher skins stamped or sealed, may be sold ..... **HB 157**

birds, hunting prohibited on Black Lake (Pittsburg) ..... **HB 667**

bounties. **See: Bounties**

clams, taking within 200 miles by non-residents prohibited ..... **HB 286**

conservation officers, line of duty injury not charged against sick leave **SB 84**

deer. **See: Deer**

definition of "when accompanied" ..... **HB 447**

department, employees, line of duty injuries, not charged against sick or annual leave ..... **SB 13**

**director**

address by Bernard Corson ..... **797-803**

biennial report to governor and council ..... **HB 297**

cooperative agreements for protection of fish, game, and fur-bearing animals ..... **HB 128**

ex officio member of pesticides control board, chief of game management and research may substitute ..... **HB 98**

power to close areas to deer hunting, commission approval required **HB 763**

power to protect deer herd, split season prohibited ..... **SB 16**

responsibility for ground and water search and rescue operations ..... **HB 202**

special hunting and fishing season for residents ..... **SB 29**

dogs, hunting, training fees and regulations ..... **HB 948**

**Fish and game — continued**

duck hunting and discharge of firearms, Back Channel (New Castle and Portsmouth), prohibitions .....	HB 615 am
fishing without a license, patients at Rockingham county home and hospital .....	SB 139
fluorescent orange clothing required when hunting big game .....	SB 43
fresh water fish, frozen, from out of state, tagged to indicate place of origin .....	HB 928 am
fresh water smelt	
from out of state, sale of .....	SB 211
taking by net on certain lakes by disabled .....	SB 225
taking during closed season repealed .....	HB 113
fund	
borrowing in anticipation of insufficient funds .....	HB 458
marine fisheries fund credited to .....	SB 172
fur-bearing animals	
trapping, report of catch; penalty for failure .....	HB 383
traps, setting of .....	HB 105
game management and research chief may substitute for director on pesticides control board .....	HB 98
horned pout, limit on taking repealed .....	HB 90
hunting	
in designated areas by disabled persons .....	HB 1017
minors under 16 must be accompanied by licensee at least 18 years old .....	SB 57
import permits required, fish eggs; certain animals exempt .....	HB 403
licenses	
certificate of competency not required after age 18 .....	SB 57
clams and oysters, free to residents age 68 .....	HB 139
false statements, penalty; references to head and poll taxes changed to resident tax .....	HB 155
fees increased .....	SB 221
form and content, affidavits may be included .....	HB 922 am
nonresident netting, dragging, or trawling for salt water fish .....	HB 143
perpetual to totally disabled veterans .....	HB 922 am
perpetual to totally disabled veterans .....	HB 842
lobsters, legal length decreased .....	SB 258
oysters. See: Oysters	
resident, definition .....	HB 132
rules and regulations re lobsters, crabs, and fin fish, violations .....	HB 131
sand eels, taking by seine, weir, or nets limited to residents .....	HB 814
transporting, minors under 16 must be accompanied by licensee at least 18 years old .....	SB 57
traps, restrictions on certain types .....	HB 403
for fin fish in ocean waters .....	HB 398
wild turkeys, private propagation, permit required .....	SB 211 am
Fisher skins, stamped or sealed, may be sold .....	HB 125 am
Flag pole from old post office given to Pierce Manse .....	HB 157
Flag, U.S., displayed at polling places .....	SCR 10
Flanders, John T., comptroller, address and discussion .....	HB 707
Flanders, Robert, state treasurer, address and discussion .....	391-405
Flood hazard area management act .....	1367-1372
Flynn, Richard, safety department commissioner, address and discussion .....	SB 47
Foley, Sen. Eileen, appointed minority leader 28, remarks re governor's nomination of Duvall as labor commissioner 89, res for study on energy crisis and cost of living 557, remarks re meat boycott 605-606, remarks re Watergate 960-963, advisory budget control committee, appointment 2585, education commission of the states, appointment 2585 .....	1128-1136

See Numerical Index following for action on bills



<b>Food service establishments, licensing and regulation</b> .....	<b>HB 477</b>
<b>Foods</b>	
adulteration of Halloween treats, penalty .....	<b>SB 35</b>
commodity distribution by counties .....	<b>SB 120</b>
<b>Foreign corporations</b>	
corporate charter and record of organization, filed with secretary of state .....	<b>SB 34</b>
notification of suspension after nonpayment of fees for 2 consecutive years .....	<b>HB 36</b>
<b>Forest land, appraisal based on current use extended</b> .....	<b>HB 941</b>
<b>Foresters, board of registration, biennial report to governor and council</b> .....	<b>HB 297</b>
<b>Forests</b>	
fire prevention	
suitable exhaust systems on motorized equipment .....	<b>HB 199 am</b>
violations, penalties increased .....	<b>HB 389</b>
fire wardens, right to enter land in performance of duty .....	<b>HB 200</b>
fires, workmen's compensation coverage for persons who assist in fire fighting .....	<b>SB 51 am</b>
state, security officer .....	<b>SB 116</b>
<b>Fort number four, appropriation for reconstruction</b> .....	<b>HJR 4</b>
<b>Foster care, mentally ill, payments, increased</b> .....	<b>HB 272</b>
<b>Foster children</b>	
inheritance tax exemption provisions .....	<b>SB 153</b>
tuition paid by state to school districts .....	<b>SB 255</b>
	<b>HB 495</b>
<b>Franchises, motor vehicle manufacturers and dealers, prohibitions, regulation by attorney general</b> .....	<b>SB 178</b>
<b>Franklin, city of</b>	
verification of checklist, temporarily suspended .....	<b>HB 802</b>
ward lines changed; referendum .....	<b>HB 804 am</b>
<b>Franklin Pierce home. See: Pierce Brigade</b>	
<b>Franklin Pierce law center, degree granting powers</b> .....	<b>SB 113</b>
<b>Fraternal benefit societies</b>	
life insurance, children covered to age 18 .....	<b>SB 57</b>
	<b>HB 403</b>
membership, qualifications, age 18 .....	<b>SB 57</b>
	<b>HB 403</b>
<b>Fraud, prima facie evidence, payments stopped and property not returned to lien holder</b> .....	<b>SB 203</b>
<b>French Canadian and American cultural exchange commission</b> .....	<b>HB 837</b>
<b>Fruit marketing committee, advisory to agriculture department</b> .....	<b>HB 204 am</b>
<b>Fuel. See: Gasoline; Oil</b>	
<b>Funeral directors and embalmers</b>	
board	
biennial report to governor and council .....	<b>HB 297</b>
public health services director may designate alternate .....	<b>HB 1020</b>
qualifications, age 18 .....	<b>SB 57</b>
	<b>HB 403</b>
registration fees increased .....	<b>HB 781</b>
<b>Fur bearing animals</b>	
trapping, report of catch to fish and game director; penalty for failure traps .....	<b>HB 383</b>
restrictions on certain types .....	<b>HB 398</b>
setting of .....	<b>HB 105</b>

## G

<b>Gallagher, Edward J., former publisher <i>Laconia Evening Citizen</i>, res</b> .....	<b>612-613</b>
<b>Gambling. See also: Beano</b>	
sale of betting cards by sweepstakes commission .....	<b>SB 69</b>
statutory references corrected .....	<b>HB 56</b>
<b>Game. See: Fish and game</b>	
<b>Gaming. See: Gambling</b>	
<b>Gardner, Sen. Edith B. remarks re criticism of the governor 671, day care advisory committee, appointment 2585</b>	



**Gasoline**

- service stations. See: Motor vehicles, service stations
- storage facilities, purchase by state, appropriation ..... **SJR 18**
- transportation and storage, portable plastic containers ..... **SB 121**

**Gemmell, Rev. Fay Lincoln, guest chaplain** ..... 700-701

**General court. See also: House of Representatives; Senate**

- additional appropriation ..... **SJR 20**
- adjournment ..... 2582-2583

bills. See: Bills

- committees. See also: Committees, standing; Study Commissions, committees, and assignments
- standing and special, members reimbursed for mileage ..... **HB 834 am**

employees

- compensation from Dec. 27, 1972 to Jan. 2, 1973 ..... **HCR 4**
- salaries set by joint committee on legislative management; fringe benefits; unemployment compensation ..... **HB 778**

fiscal committee

- members, terms; approval of legislative budget assistant's personnel **HB 778**
- senate members ..... 41
- state police, emergency employment on days off, study ..... **SB 229**
- Vietnam veterans bonus, study ..... **SB 5**

interim commissions and committees. See: Study commissions, committees, and assignments

intern program ..... 209

joint conventions 2, 72, 120, 269, 2583

journals, filing with secretary of state discontinued ..... **HB 778**

legislative facilities committee

- control and renovation of old post office building ..... **HB 810**
- technical assistance from public works and highways department ..... **HB 1054**

legislative management, joint committee ..... **HB 778**

members

- compensation and mileage, recall from recess to consider item vetoes ..... **CACR 35**
- from nonentitled towns, repealed ..... **HB 778**
- incompatibility of office with county commissioner ..... **HB 114**
- legislative ethics ..... **SB 14**
- mileage, deadline date removed ..... **CACR 10**
- number plates, limitation ..... **HB 260**
- open hour meetings with governor, message ..... 55-56
- special session called by majority vote of the legislature ..... **CACR 33 am**

**George, Rev. P. H., guest chaplain** ..... 339

**Gifts to minors**

adult must be 21 ..... **HB 716 am**

18 year olds may make gifts to minors ..... **SB 57**

**Gile forest (Springfield and Wilmot), state acquisition, appropriation** ..... **SB 104**

**Gilford school district**

debt limit increased ..... **HB 154**

proceedings legalized ..... **HB 444 am**

**Gilman, George, resources and economic development commissioner,**

address and discussion ..... 1031-1043

**Glazing materials, installation restrictions** ..... **SB 160**

**Governor**

and council

- administration and finance department, commissioner appointment ..... **HB 727 am**
- business profits tax records, disclosure to, abolished ..... **HB 309**

examining and auditing committees abolished; duties assigned to banks ..... **HB 458**

N.H. hospital superintendent, appointment ..... **HB 1**

post-audit of accounts, review and recommendations ..... **HB 778**

authority to contract for veterinary medical education for qualified N.H. residents ..... **HB 640**

See Numerical Index following for action on bills

**Governor — continued**

birthday .....	362
breakfast meeting with senators at Bridges House .....	47-48
commission on crime and delinquency, annual report to governor and council .....	HB 297
committee on employment of the handicapped, biennial report to governor and council .....	HB 297
contingency fund, report of expenditures to comptroller .....	HB 3 am
four year term, elected in nonpresidential election years .....	CACR 22
item veto, appropriation bills .....	CACR 35
open hour meetings with members of the general court, message .....	55-56
veto	
establishing a noise abatement program (HB 1021) .....	2574-2575
to provide for the citizens right to sue to protect against damage to the environment (SB 96) .....	2400-2401
Gowen, Willard, elected doorkeeper .....	19-20
Great Pond (Kingston), motor boats exceeding 10 horsepower, prohibited .....	SB 232
Green, Sen. Richard, state council on aging, appointment 93, coordinating board of advanced education and accreditation, appointment 2585, committee on legislative orientation, appointment 2585 .....	
Greyhound racing. See also: Dogs, racing .....	
commission, annual report to governor and council .....	HB 297
Group life insurance. See: Insurance, life .....	
Guardians and conservators .....	
authority until minor reaches 18 .....	SB 57
incompetent persons .....	
appointment, notice posted in public place repealed .....	HB 650
procedure for examination .....	SB 23
minors .....	
appointment, duties repealed .....	HB 576
institutional guardians limited .....	HB 694
Guns. See: Firearms .....	
Gunstock area, name changed from Belknap county recreational area; commission members compensation increased .....	HB 642 am

**H**

Habitual offenders, motor vehicles, mandatory minimum penalty .....	HB 438
Haines, Rev. Richard B., guest chaplain .....	1574
Hairdressers .....	
blood test requirement eliminated .....	SB 127
board .....	
biennial report to governor and council .....	HB 297
inspectors, qualifications, age 18 .....	SB 57
HB 403 .....	
Halfway houses, registration and regulation of .....	HB 353 am
Halloween, adulteration of treats, penalty .....	SB 35
Hampton .....	
harbor, appropriation of 1971 to include improvements .....	SB 147
town of, municipal development authority abolished .....	HB 407 am
Handicapped .....	
access to public buildings, effectiveness of laws, study committee continued .....	HJR 45
children, education .....	
attendance excused, appeal to state board of education .....	HB 796
minimum age eliminated .....	HB 502 am
state board to set age .....	HB 394
to age 18 .....	SB 57
tuition costs, liability of school district limited .....	SB 76
governor's committee on employment of; biennial report to governor and council .....	HB 297
products and services, purchase by state .....	HB 1044

- Hanover Marauder Hockey Team**, tribute by Sen. Bradley ..... 551
- Hanover, town of**
- fire station and municipal building construction and alterations,  
vote authorizing bond legalized ..... **HB 158**
  - town manager; tax anticipation notes; referendum ..... **HB 185**
- Harmful substances in Halloween treats**, penalty ..... **SB 35**
- Hatch, Paul**, nominated for doorkeeper ..... 19-20
- Haverhill Corner precinct**, zoning ordinances authorized ..... **HB 735**
- Hawkers and peddlers**
- definition; license fees and fines increased ..... **HB 784**
  - licenses, employees or agents of corporations required to file a surety  
bond or deposit ..... **HB 165**
- Health and welfare**. See also: Mental health; Public health services;  
Welfare
- advisory commission
    - biennial report to governor and council ..... **HB 297**
    - membership, county hospital administrator to replace one member-  
at-large ..... **HB 627**
  - commissioner
    - address by Gerard J. Zeiller ..... 639-643
    - hospitals, certificate of need for certain capital expenditures ..... **SB 154**
    - office to include institutional collection division and N.H.  
distributing agency ..... **HB 727**
    - regulation of halfway houses; advisory committee ..... **HB 353**
    - term of office, new term to start with new appointment ..... **HB 532 am**
- Health care facility**. See: Hospitals
- Health, children with chronic kidney disease**, care and treatment ..... **HB 390**
- Health officers, local**, approval of privies ..... **HB 397 am**
- Health services organization** ..... **SB 217**
- Heating or agitating devices in public waters regulated**, registration  
required ..... **HB 43 am**
- Heroin**. See: Drugs
- Hesser College**, degree granting powers ..... **HB 146**
- High school equivalency examination**, qualifications ..... **HB 974**
- Higher education facilities commission**, replaced by postsecondary  
education commission ..... **HB 843**
- Highway fund**, borrowing in anticipation of insufficient funds ..... **HB 458**
- Highways**
- Blue Star Memorial, system to include U.S. 3 and interstate 89 ..... **HJR 6**
  - bridges. See: Bridges
  - class I and II, exceptions changed to towns of 5000 population ..... **HB 208**
  - class I, II, III, and IV, bicycle trails designated by community  
recreation director ..... **HB 299**
  - class IV, state aid to towns of 5000 population ..... **HB 208**
  - class IV and V, cities and towns may regulate advertising ..... **SB 194**
  - classification
    - access roads to various state parks changed from class V to II ..... **SB 124**
    - Jaffrey ..... **HB 124**
    - Orange ..... **HB 224**
    - Whitefield ..... **HB 362**
  - Davis scenic drive (New Boston) named ..... **SB 161**
  - environmental protection department opinion required before  
construction ..... **SB 1**
  - Everett turnpike and interstate 89, widening and improving, right of  
way over N.H. hospital land ..... **HB 183**
  - federal-aid, removal of junk vehicles from private property ..... **HB 217**
  - fund. See: Highway fund
  - laying out, class IV, V, VI, notice to landowner by certified mail ..... **SB 44**
  - limited access, passing on right ..... **HB 170**
  - Nashua-Hudson, memorializing commissioner of public works and  
highways ..... **SCR 9**
  - outdoor advertising. See: Outdoor advertising
  - pedestrians, crossing with traffic signals ..... **HB 130**
- See Numerical Index following for action on bills

**Highways — continued**

reconstruction program, borrowing authorized .....	SB 144
route 101, limitation on construction repealed .....	HB 247 am
route US 4 (Lebanon), bridge repair by city repealed .....	HB 120
scenic preservation of town roads, petition by landowners; road agent may clear obstructions .....	SB 56
state subsidy to towns and cities increased (class IV and V) .....	HB 430
toll. See also: Central N.H. turnpike; Eastern N.H. turnpike exemption for ambulances on emergency calls .....	HB 604
traffic control devices, right turn at red light designated by sign .....	HB 130
<b>Hill, Herbert W.</b> , professor of history at Dartmouth, address .....	1242-1244
<b>Hill, Isaac</b> , historic marker on site of home in Concord .....	HCR 15
Ragged Mountain highway (Danbury to New Hampton), named .....	HB 245
<b>Hill, town of</b> , meeting legalized .....	HB 1016
<b>Hillsborough county</b> new positions, approval of executive committee .....	HB 734
public defender system .....	SB 101 am
votes and proceedings adopting fiscal year legalized .....	HB 1016 am
<b>Historic</b> districts, procedure for abolishing .....	HB 414
preservation office and review board, appropriation .....	SB 137
<b>Historical</b> commission biennial report to governor and council .....	HB 297
state, supplemental appropriation .....	SJR 7
fund, allocation to American Revolution bicentennial commission .....	HJR 11
monuments, unused covered wooden bridges maintained by parks division .....	HB 858
<b>Hitchhiking</b> . See: Soliciting rides	
<b>Holder in due course</b> , obligations in consumer credit sales .....	HB 644
<b>Holidays, Memorial Day</b> last Monday in May .....	SB 151
May 30; Veterans Day, November 11 .....	SB 6
memorializing congress .....	SCR 1
<b>Home for the elderly, N.H.</b> , support of inmates by relatives, liability limited to 10 years .....	HB 897 am
<b>Home rule</b> amending process, provisions need not be contained in other charters .....	HB 917
city charters, amendments by initiative petition .....	SB 177
<b>Home solicitation sales</b> , definition includes cash and credit sales; cancella- tion procedure .....	HB 775
<b>Home town sessions</b> . See: Senate, meeting place	
<b>Howeowners tax exemption</b> , local option .....	HB 869
<b>Homestead</b> residence, separate listing in tax appraisal inventory .....	SB 30
rights, amount increased .....	SB 41
<b>Homicide</b> . See: Murder	
<b>Hooker, Thomas</b> , welfare division director, remarks by Sen. Nixon .....	1072-1074
<b>Horan, Rev. John</b> , guest chaplain .....	767
<b>Horan, Richard H.</b> , former senator, res on death .....	1321
<b>Horned pout</b> , limit on taking repealed .....	HB 90
<b>Horses</b> abusive treatment prohibited .....	HB 937
diseased, indemnity payment for killing increased .....	HB 421
equine events, doping or stimulating prohibited .....	HB 829
stallions running at large, penalty .....	HB 89
standardbred breeders and owners development agency; sire stakes program .....	HB 463
<b>Horton, Mildred</b> , chairman, UNH board of trustees, remarks .....	1506-1507
<b>Hospital, N.H.</b> admission and treatment of mentally ill, civil procedures; rights of patients .....	HB 539



**Hospital, N.H. — continued**

auxiliary, reimbursement for replaced stolen coat of attendant .....	HJR 13 am
employees, liability limited to gross negligence .....	SB 227
lands, taking of highway right of way for widening of and improvements to Everett turnpike and interstate 89 .....	HB 183
patients, support by relatives, liability limited to 10 years .....	HB 897 am
staffing, positions revised; maintenance eliminated .....	HB 1018
superintendent	
and assistant superintendents, qualification, term, appointment .....	HB 1
term of office, new term starts with new appointment .....	HB 532 am
transfers for observation, state support, prerequisite provision removed	SB 169
voluntary commitment at age 18 .....	SB 57
	HB 403

**Hospital service corporations**

insurance commissioner's decisions, suspension of orders pending appeal .....	HB 697
investment powers increased .....	HB 699
non-group coverage by two companies, payments not prorated or reduced .....	HB 296 am
regulatory powers of insurance commissioner increased .....	SB 188
subject to insurance laws and regulations .....	SB 217
Hospital service insurance, state employees, paid by state .....	HB 433

**Hospitals**

certificate of need for certain capital expenditures .....	SB 154
nonprofit, exempt from fair trade law .....	SB 132
not required to perform abortions .....	HB 606
rate-setting commission .....	SB 166

**Hotels, alcoholic beverages, license fees increased .....** HB 850

**House of Representatives. See also: General court**

electronic roll call system, appropriation .....	HJR 5
informed Senate ready to meet in joint convention 2, message of organization 19	

**House trailers**

owners must register with assessors or selectmen .....	HB 724
tax liens, time extended .....	HB 686

**Houses of correction**

inmates, employment at municipally owned recreational facilities and conservation projects .....	HB 847 am
superintendent, separate position from superintendent of county farm	HB 365

**Housing**

authorities, recognition of unions, collective bargaining contracts .....	HB 547
commission, supervision of housing projects for low income and elderly .....	HB 470

**Hudson, town of, private sewage disposal systems, voter approval .....** HB 142 am

**Human rights commission, biennial report to governor and council .....** HB 297

**Human services director, cities over 80,000, position authorized on referendum .....** HB 867

**Hunter orange. See: Fish and game, fluorescent orange clothing**

**Hunting. See: Fish and game**

**Hurley, Helen J., transferred to N.H. retirement system .....** SB 240

**Husband and wife, liability for public medical assistance .....** HB 428

**Hypodermic syringe, industrial use not utilizing controlled drugs, prescription not necessary .....** HB 74 am

**I**

**Ice cream, sale by weight .....** HB 603

**Illegitimate child, words changed to children born of unwed parents .....** HB 579

**Illiterates, English language instruction to age 18 .....** SB 57  
HB 403

**Impaired driving. See: Motor vehicles, driving with impaired capacity**

**Implied consent law. See also: Motor vehicles, intoxicated drivers**

chemical tests, expenses deducted from court fines .....	SB 33
--	-------

See Numerical Index following for action on bills



<b>Income tax, interest and dividends</b>	
additional exemption at age 65 .....	HB 422 am
dividends of bank holding companies exempt .....	HB 557
exemption increased at age 65 .....	SB 246
<b>Incompatible offices</b>	
county commissioner	
and member of general court .....	HB 114
and other county office .....	HB 39
<b>Indigent defendants</b>	
counsel fees, additional appropriation .....	SJR 14
Merrimack and Hillsborough counties, public defender system .....	SB 101 am
<b>Industrial agent, northern county area, biennial report to governor and council</b> .....	HB 297
<b>Industrial school</b>	
confinement of minors prohibited unless adult would be confined for same offense .....	HB 265
custody to age 18 .....	SB 57
	HB 403
name changed to youth development center .....	HB 52
trustees, parole and release powers of minors to age 18 .....	SB 57
	HB 403
<b>Inheritance tax, foster children exemption provisions</b> .....	SB 153
<b>Insane persons</b>	
criminal cases, failure of county attorney to file criminal information, acquittal certified to court .....	SB 8
pre-trial psychiatric examination by private psychiatrist .....	HB 703 am
<b>Institutional collection division transferred to the office of the commissioner of health and welfare</b> .....	HB 727
<b>Institutional funds, uniform management act</b> .....	SB 75
<b>Institutions. See also names of institutions</b>	
school districts liable for educational expenses of inmates .....	HB 809
<b>Insurance</b>	
accident and health	
dependent child, to age 18 .....	SB 57
	HB 403
franchise plan, number of employees required reduced .....	HB 314
non-group coverage by two companies, payments not prorated or reduced .....	HB 296 am
notification to employees of coverage termination for non-payment of premiums .....	HB 408 am
regulatory powers of commissioner increased .....	SB 186
actions, insured prevailing in declaratory judgment, to receive court costs and attorney fees .....	SB 206
automobile. See: Motor vehicles, liability insurance	
commissioner	
address by John Durkin .....	734-742
certificate of authority to health services organization; approval of rates .....	SB 217
decisions re hospital service corporations, suspension of orders pending appeal .....	HB 697
pension and profit-sharing retirement funds, regulations .....	SB 243
regulatory powers increased re automobile insurance .....	SB 190
regulatory powers increased re hospital and medical service corporations .....	SB 188
regulatory powers increased re life and accident and health insurance	SB 186
companies	
licenses, expiration date .....	HB 314 am
mortgage guaranty, loans included in savings banks investments .....	SB 171
premium taxes, increased amount to firemen's relief fund .....	HB 284
credit card sales permitted for certain policies .....	SB 123 am
credit life and accident, 10 years duration or less, regulation .....	HB 748 am
credit transactions, regulations for policies of less than 10 years duration .....	SB 186

## Insurance — continued

- fire
  - payment for loss within 20 days ..... SB 185
  - required coverage of specified disasters at option of insured ..... SB 135
- group, life. See: Insurance, life
- health. See: Insurance, accident and health; Insurance, hospitalization and medical
- holding companies, subsidiaries, approval of commissioner; corporate status not required to be designated in name ..... SB 134
- hospitalization and medical
  - non-group coverage by two companies, payments not prorated or reduced ..... HB 296 am
  - state employees, paid by state ..... HB 433
- legal service corporations ..... SB 173
- liability
  - motor vehicles. See: Motor vehicles, liability insurance
  - purchase by political entity to indemnify officers and employees HB 755 am
- life
  - and health guaranty association, non-profit hospital and medical service plans included ..... SB 188
  - fraternal benefit societies, children covered to age 18 ..... SB 57
  - group policies, amount increased ..... HB 403
  - group policies, certain employees may contribute toward purchase ..... HB 633
  - group policies, definition of policy holder to include trustees of fund established by one employer or labor union ..... HB 713
  - regulatory power of commissioner increased ..... SB 186
  - reserves and nonforfeiture benefits, interest rate increased, new mortality tables ..... SB 186
  - property damage, regulations by commissioner ..... SB 138
  - rating organizations, regulated by commissioner ..... SB 204
  - veterans, national service life ..... SB 204
- Interest. See also: Banks; Consumer credit; Credit unions; Savings banks; Small loans; Taxes and dividends tax. See: Income Tax
- charge accounts, after 60 days only; limitation on rates ..... SB 105
- Interim commissions, committee, and studies. See: Study commissions, committees, and assignments
- Interstate
  - compacts, New England higher education, board membership increased; authority for disbursements ..... SB 207
  - cooperation commission, biennial report to governor and council ..... HB 297
  - marine boundary commission, 5 members ..... SB 170
- Intestate succession. See: Descent and distribution
- Investment securities. See: Securities
- Isinglass River (Rochester), purchase of land and water rights by Dover to augment water supply ..... HB 1045
- Islands, sewage disposal system, statute repealed; subject covered elsewhere ..... HB 263
- Israel River (Jefferson), repair or construction of bridge, appropriation ..... HB 248
- Itinerant vendors, definition; violations, penalty increased ..... HB 784
- Ivanhoe Pond (Wakefield), name changed to Lake Ivanhoe ..... HB 602

## J

- Jacobson, Sen. Alf E., nominated president 3, remarks re *Portsmouth Herald* editorial 62, Arthur D. Little report 89-90, state Senate politics 481-483, birthday 695, re governor's tax file search 697-698; remarks on committee of the whole 1733, 1736; remarks on committee of conference holding public hearings 1965-1966, guest chaplain 2010
  - Jaffrey, highway reclassified ..... HB 124
- See Numerical Index following for action on bills

Jails, county inmates, employment at municipally owned recreational facilities and conservation projects .....	HB 847 am
Jefferson, bridge repair or construction, appropriation .....	HB 248
Jenkins, Warren, sick leave and compensation benefits, line of duty injury .....	SB 13 am
Jim, Father, of St. Kieran's Church, Berlin, guest chaplain .....	873
Johnson, Lady Bird, letter of thanks .....	337-338
Joint convention. See: General court, joint convention	
Joint legislative committee, law enforcement and criminal justice improvements, study .....	SCR 8
management committee .....	HB 778
Jones Mill dam. See: Shell Camp Pond	
Journal, Senate, form of established by journal committee 18, all remarks to be printed 42, committee report and remarks 126-131, recommendations SO 205-207, recommendations adop 231	
Judges	
appointments, commission to recommend candidates .....	SB 233
special motor vehicle number plates .....	SB 167
Judgments	
declaratory, insured prevailing, to receive court costs and attorney fees .....	SB 206
summary	
motions for authorized in district courts .....	SB 50
scope expanded .....	SB 220
Judicial council	
biennial report published .....	142
studies	
attachments, executions, and enforcement of judgments .....	SB 268 am
commission to recommend candidates for judicial appointments .....	SB 233
credit sales, statutory collection fee .....	SB 103
district court fees .....	SB 40
district court prosecutors .....	SB 80
failing to yield right of way, penalty .....	SB 59
grand jury limitation .....	SB 8
probate courts, appeals from .....	HB 872
probate judges, retired, serving as judicial referees .....	SB 52
Senate, age requirement reduced .....	CACR 32
superior court judges, number increased .....	SB 214
Judicial referees, probate judges after retirement .....	SB 52
Jurors, grand and petit, term limited .....	HB 702
Jury trials	
appeals for violations, prohibited .....	HB 580
civil suits, superior court, verdicts by 9 of 12 jurors .....	CACR 7
misdeemeanor, superior court, 6 member jury .....	HB 653
recess during deliberation permitted .....	SB 128
Justices of the peace	
disinterested members of the bar, may sit in district courts .....	HB 377 am
sitting as special justices in district court, repealed .....	HB 377
Juvenile delinquents	
age limit 18 .....	SB 112
confinement prohibited unless adult would be confined for same offense .....	HB 265
mental health evaluation prior to subsequent hearing .....	SB 88

## K

Kalinski, Alexander, public utilities commissioner, address and discussion .....	1000-1008
Kearsarge lighting precinct	
authorized to accept real estate gifts for parks .....	HB 908
to include town of Bartlett .....	HB 599
Keene, city of	
Cheshire county courthouse .....	HB 711
fire truck purchase by state, appropriation .....	HJR 30 am

Keene state college. See: University of N.H.	
Kelley Falls (Manchester), dam and water rights acquisition .....	HB 123
Kelley, Rev. Richard J., guest chaplain .....	1076
Kenison, Frank R., chief justice of the N.H. supreme court, invited to address joint convention .....	HCR 2
Kidney disease, children, care and treatment .....	HB 390
King, John, director of probation department, address .....	935-941
Kingston state park (Kingston), highway reclassified .....	SB 124
Kinsley, Rev. Floyd G., guest chaplain .....	609
Klatka, Rev. Joseph, guest chaplain .....	523
Kolongis, Pauline, transferred to N.H. retirement system .....	SB 240
Korean War, termination date changed .....	SB 174

## L

## Labor

commissioner	
address by Robert Duvall .....	675-681
biennial report to governor and council .....	HB 297 am
unions, collective bargaining contracts authorized with housing authorities .....	HB 547

## Laconia state school

Murphy House, upgrading electrical system, appropriations .....	HJR 25
patients, support by relatives, liability limited to 10 years .....	HB 897 am
voluntary commitment at age 18 .....	SB 57
	HB 403

## Lake Francis, Murphy dam, payments in lieu of taxes to Pittsburg and

Clarksville .....	HJR 12
-------------------	--------

## Lake Ivanhoe (Wakefield), name changed from Ivanhoe Pond .....

HB 602

Lamontagne, Sen. Laurier A., remarks re *Portsmouth Herald* editorial  
62, visitors to Senate chamber, Arthur D. Little report, camera  
lost 69-70, width of trucks 121-122, camera found 166-167, logging  
chains 200-201, Ft. Devens visit 231-232, width of trucks 268, wrong  
camera 268-269, questionnaire from Erdos & Morgan, Inc. 604,  
certificate of commendation 874-875, remarks re Dean B. Mer-  
rill of Hampton 1080-1081, remarks re Tepco 1964-1965, state  
council on aging appointment 2385

## Lamprey River, trapping fur-bearing animals permitted .....

HB 105

Lamprey, Stewart, chairman, data processing commission, address and  
discussion .....

445-460

## Land

acquisition by state, centralized procedure .....	HB 508
forest and farm, appraisal based on current use extended .....	HB 941
open space	
study commission .....	HB 504
taxation based on current use .....	HB 307
surveyors	
registration board, biennial report to governor and council .....	HB 297
rules of professional conduct, adoption by board of registration .....	HB 393
use change tax, levied on changing open space land to non-qualifying use .....	HB 307

## Landlord and tenant

exclusive remedy to obtain possession .....	SB 94
interest on security deposit .....	HB 242
mobile home parks, tenant rights .....	SB 28
rent escrow pending appeal in eviction cases .....	HB 701
standards of fitness for habitation maintained; rent withholding procedure .....	HB 984

## Landry, Greg, Detroit Lions quarterback, remarks; certificate of

1671-1672

commendation .....	747-754
--------------------	---------

## Lang, Roy Y., director of personnel, address .....

HJR 43 am

## Lanigan, Floris H., retirement credit .....

HJR 43 am

Laraba, Rae S., former senator, res on death 307-308, letter in appre-  
ciation 673 .....

1027-1028

## Law Day U.S.A., remarks by Sen. Bradley .....

1027-1028

See Numerical Index following for action on bills



## Law enforcement

- |   |           |
|---|-----------|
| law enforcement   |           |
| employees, standard workweek reduced, compensation increased                          | SB 63 am  |
| improvement, joint legislative committee, study                                       | SCR 8     |
| officers  |           |
| arrest without warrant after accident, persons driving under                          |           |
| influence of alcohol or drugs   | SB 63 am  |
| off duty, pay for time spent in court increased                                       | SB 265    |
| vehicles, mandatory marking   | HB 725    |
| Laws. See: Session laws; Statutes   |           |
| Lebanon   |           |
| airport, loan from Vermont, repayment   | HB 102    |
| bridge on route US 4, repair by city repealed   | HB 120    |
| city of, annual elections in March; school district officers included                 | HB 930    |
| Legacy tax. See: Inheritance tax  |           |
| Legal service corporations, insurance plan  | SB 173    |
| Legislative budget assistant, appointment, dismissal; preparation of                  |           |
| revenue estimates   | HB 778    |
| Legislative committee, joint, law enforcement and criminal justice                    |           |
| improvements, study   | SCR 8     |
| Legislative facilities committee  |           |
| control and renovation of old post office building                                    | HB 810    |
| technical assistance from public works and highways department                        | HB 1054   |
| Legislative management, joint committee   | HB 778    |
| Legislative orientation committee, members appointed                                  | 2585      |
| Legislative services, director  |           |
| appointment, dismissal, duties  | HB 778    |
| authority to conform language of 1973 laws to criminal code                           | HB 1015   |
| Legislative space committee, member appointed   | 93        |
| Lemieux, Gloria A., letter complimenting Senate meeting in Nashua                     | 484       |
| Lewis, Kenneth, retirement credit   | SJR 11    |
|   | HJR 43 am |
| Liability insurance. See: Insurance, liability; Motor vehicles, liability insurance   |           |
| Libraries   |           |
| cooperatives authorized   | SB 99     |
| public  |           |
| and academic, state publications, depositories for                                    | HB 297    |
| trustees, eligibility at age 18   | SB 57     |
|   | HB 403    |
| Library, state. See: State library  |           |
| Licenses  |           |
| accounting practitioners, qualifications, age 18                                      | SB 57     |
|   | HB 403    |
| alarm installers  | SB 198    |
| alcoholic beverages. See: Alcoholic beverages, licenses; Alcoholic beverages, permits |           |
| auctioneers, non-resident, valid, when reciprocated by another state                  | SB 218    |
| chiropractors, continuing education required for renewal                              | HB 228    |
| dog racing, moratorium until June 30, 1975  | SB 222    |
| dogs, disposition of fees   | HB 343    |
| electricians  | SB 184    |
| engineers, revocation or suspension for violation of rules of professional conduct    | HB 122    |
| fish and game. See: Fish and game, licenses   |           |
| food service establishment  | HB 477    |
| funeral directors and embalmers, fees increased                                       | HB 781    |
| hawkers and peddlers  |           |
| fees increased  | HB 784    |
| surety bond or deposit required   | HB 165    |
| medical association or corporation, dispensing controlled drugs                       | HB 743    |
| motor vehicles. See: Motor vehicles, operator's license                               |           |
| optometrists, continuing education required for renewal; fees increased               | HB 625    |



- Licenses — continued**  
 outdoor advertising, federal highways, fees increased ..... SB 192  
 physical therapists, temporary certificates for students and registration  
     applicants ..... HB 728  
 real estate brokers and salesmen, qualifications, age 18 ..... SB 57  
     ..... HB 403  
 refrigeration technicians ..... SB 257  
 shorthand court reporters, qualifications, age 18 ..... SB 57  
     ..... HB 403  
 veterinarians, qualifications, age 18 ..... SB 57  
     ..... HB 403
- Liens.** See: Tax liens
- Life safety code, standards applicable to towns and village districts**  
 in relation to fire protection ..... HB 261
- Limitation of actions, legacy and succession tax, 20 year lien** ..... SB 118 am
- Lincoln, town of**  
 state loan to cover bond payments increased ..... HB 129 am  
 state reimbursement for industrial waste treatment plant bonds ..... HB 129
- Liquor commission.** See also: Alcoholic beverages  
 annual report to governor and council ..... HB 297  
 licenses and permits to 18 years olds ..... SB 57  
     ..... HB 403
- Liquor commissioner, address and discussion by Costas S. Tentas** ..... 586-602
- Littering, maximum fine** ..... HB 75 am
- Littleton, town of, standby hydraulic pumping unit authorized for**  
 sewage station ..... HB 668
- Livestock diseases, indemnity for horses and cattle killed, maximum**  
 payments increased ..... HB 421
- Loans.** See: Building and loan associations
- Lobsters**  
 fish and game regulations, violations ..... HB 131  
 legal length decreased ..... SB 258
- Local option, city charters, amendments by initiative petition** ..... SB 177
- Logs and logging, means of securing loads on motor vehicles** ..... SB 24
- Londonderry school district**  
 debt limitation ..... HB 258  
 withdrawal from supervisory union no. 10 ..... HB 70
- Lonnroth, Anton, president, N.H. Juvenile Association, letter in**  
 opposition to HB 265, re commitment of children to the  
 industrial school ..... 1263-1264
- Lord's prayer, voluntary recitation in public schools**  
 local option ..... HB 639  
 petitioning congress for constitutional amendment ..... HCR 6 am
- Low, Willis S., retirement credit** ..... HJR 43 am
- Lucky seven tickets at beano games, may be sold by charitable**  
 organizations ..... HB 478
- Lumber.** See: Logs and logging
- Lyndeborough, town of, meeting legalized** ..... HB 1016

**M**

- McGee, John P., retirement credit** ..... HJR 43 am
- McIntyre, Thomas J., U.S. Senator, letter re res on Vietnam** ..... 829-830
- McLaughlin, Sen. John H., bank advisory board, appointment** ..... 2585
- McSwiney, Francis B., adjutant general, address** ..... 270-275
- Madison Boulder state park (Madison), highway reclassified** ..... SB 124
- Maine—N.H.**  
 boundary line, perambulation appropriation ..... HB 182  
 marine boundary  
     commission ..... SB 170  
     ..... HB 714  
 dispute ..... HJR 42

See Numerical Index following for action on bills

<b>Majority</b>	
age of, lowered to 18 .....	SB 57 HB 403
leader, Sen. Frederick A. Porter appointed 7, assistant, Sen. Roger Smith 14	
<b>Manchester</b>	
airport authority, membership increased; terms; qualifications .....	SB 182
city of	
aldermen and school board members disqualified for other city employment; referendum .....	SB 46
Babe Ruth world series, appropriation .....	HJR 37 am
checklist verification beginning February .....	HB 213
employees retirement system; referendum .....	HB 706
district court, clerk, salary increased; position of deputy eliminated ..	SB 252
<b>Manpower Development and Training Act, participation by governor authorized</b> .....	HB 798 am
<b>Maps, tax, cities and towns may establish capital reserve funds for</b> .....	HB 194
<b>Marchand, Lawrence E., retirement credit</b> .....	SJR 21 HJR 43 am
<b>Marine fisheries fund, credited to the fish and game fund; annual statement</b> .....	SB 172
<b>Markets, bureau of, additional appropriation</b> .....	HJR 2
<b>Marlow</b>	
school district, meeting legalized .....	HB 1016
town of, meeting legalized .....	SB 208
<b>Marriage</b>	
age of consent 18 for both parties .....	SB 57 HB 403
licenses	
fees increased .....	HB 629
list of family planning services issued with certificate .....	HB 95
minimum age increased .....	SB 60
<b>Martin, Eda C., former senator, certificate of commendation</b> .....	1160
<b>Mascoma Valley regional school district, board members, time of taking office</b> .....	SB 158
<b>Mass transportation, transportation authority to study and improve facilities</b> .....	HB 1028
<b>Massachusetts—N.H.</b>	
boundary line, perambulation and appropriation .....	HB 182
marine boundary commission .....	SB 170 HB 714
<b>Maternal and child health bureau, to furnish town clerks with list of family planning services</b> .....	HB 95
<b>Maynard, William, tax commissioner, discussion</b> .....	1327-1328
<b>Meadowcrest Corporation, construction expenses of access road to property</b> .....	SB 266
<b>Mean inspection, slaughterhouses and processing plants to pay costs after regular business hours</b> .....	HB 33 am
<b>Medical</b>	
assistance	
liability of spouse or parent .....	HB 428
recovery by welfare division .....	HB 936
recovery prohibited if surviving child is under age 18 .....	SB 57 HB 403
association or corporation dispensing controlled drugs, license required .....	HB 743
care, minors, parental consent not required .....	HB 943
personnel	
abortions, participation voluntary .....	HB 606
state, salary increases for certification or eligibility of certification ...	HB 266
referees	
appointment and removal by county commissioners .....	HB 370

**Medical — continued**

referees — continued

temporary appointment in emergency ..... SB 62

term of office, new term to start with new appointment ..... HB 532 am

service corporations

non-group coverage by two companies, payments not prorated or reduced ..... HB 296 am

participation by chiropractors ..... HB 229

regulatory powers of insurance commissioner increased ..... SB 188

subject to insurance laws and regulations ..... SB 217

service insurance, state employees, paid by state ..... HB 433

transportation, emergency service act, repealed ..... SB 259

**Memorial Day. See: Holidays**

**Mental health**

director

rate of payment to family care homes, increased ..... HB 272

term of office, new term to start with new appointment ..... HB 532 am

evaluation, previously convicted minor ..... SB 88

**Mental institutions, admission and treatment of mentally ill, civil**

procedures; rights of patients ..... HB 539

**Mentally incompetent, procedure for appointment of guardian ..... SB 23 am**

**Mentally retarded, family care homes, payments increased ..... HB 272**

**Meredith, town of, water commission abolished, functions transferred to**

selectmen; referendum ..... HB 44

**Merrill, Dean B., former representative, res honoring ..... 1079-1080**

**Merrimack county**

public defender system continued ..... SB 101

sheriff, salary set by county convention ..... SB 187 am

superior court, declaratory judgments on validity of state agencies' rules ..... HB 503

treasurer, additional duties ..... HB 220

**Merrimack, highway construction for access to private property ..... SB 266**

**Merrimack school district, debt limit increased ..... HB 832**

**Merrymeeting River (New Durham to Alton), petroleum powered**

motor boats restricted to 6 horsepower ..... HB 911

**Metcalf, Clarence W., retirement credit ..... HJR 43**

**Meter readers, identification required ..... HB 849**

**Mileage**

county convention members, increased ..... HB 163 am

legislative, on non-legislative days when hearings are held ..... 47

state officials and employees, increased to 10¢ ..... HB 300 am

**Military. See: Armed forces**

**Milk sanitation board, public health services director may designate**

alternate ..... HB 1020

**Mills, Wilbur D., U.S. Representative, communication re memorializing**

congress to retain capital gains tax on income from timber cutting ..... 766

**Minimum wage, nursing home employees, time and 1/2 for overtime HB 358 am**

**Mining and reclamation act ..... SB 162**

**Minority leader, Sen. Eileen Foley, and assistant, Sen. Robert F. Bossie,**

appointed ..... 28

**Minors. See also: Children**

age of majority lowered to 18 ..... SB 57

HB 403

contraceptive devices or family planning information provided without

parental consent ..... HB 956

curfew, time extended ..... SB 15

employment and apprehension by guardian repealed ..... HB 576

gifts to. See: Gifts to minors

institutional guardians, orphans' homes excluded ..... HB 694

marriage, minimum age increased ..... SB 60

medical treatment without parental consent ..... HB 943

previously convicted, mental health evaluation prior to subsequent

hearing ..... SB 88

See Numerical Index following for action on bills

**Misdemeanors**

- appeals from district and municipal courts only to supreme court ..... **SB 7**
- arrest without warrant ..... **SB 63**
- superior court, 6 member jury ..... **HB 653**

**Mobile homes**

- loan limitations increased ..... **SB 155**
- owners must register with assessors or selectment ..... **HB 724**
- parks, tenant rights ..... **SB 28**
- savings bank loan limitations eased ..... **HB 976**
- tax liens, time extended ..... **HB 686**

**Monahan, Robert S., former senator, letter to Chimento on Senate**

- meetings out of town ..... 484-485

**Moose Brook state park (Gorham), highway reclassified ..... **SB 124******Mortgages**

- bank service charge and prepayment penalty prohibited ..... **HB 289 am**
- interest on taxes paid by mortgagor to banks ..... **HB 637**
- real estate in New England, trust company lending limit increased **HB 160**

**Morticians. See: Funeral directors and embalmers****Motor boats. See: Boats, motor****Motor carriers, property**

- other than household goods, public convenience requirements
  - eliminated ..... **HB 20 am**
  - public utilities commission permits validated ..... **SB 136**

**Motor vehicle road toll, subsidy to towns and cities increased ..... **HB 430******Motor vehicles**

- accidents
  - amount of damage increased for mandatory reporting ..... **HB 565**
  - fatal, blood tests on victims; confidentiality of records ..... **HB 649**
- buses, length limit increased ..... **SB 17**
- dealers, bond required for indemnification of defective titles ..... **SB 180**

**director**

- boat registration, revocation or suspension, responsibility transferred
  - to safety services director ..... **SB 145**
- commercial boating, responsibility transferred to safety services
  - director ..... **SB 146**
  - facsimile signature authorized ..... **HB 807**

**driving under influence of alcohol. See: Motor vehicles, intoxicated drivers**

- driving under influence of drugs
  - arrest without warrant after accident ..... **HB 354**
  - peace bond prohibited during appeal ..... **HB 111**
- driving with impaired capacity, blood alcohol content ..... **SB 32**

**exhaust systems, suitable for fire prevention in woodlands without**

- snowcover ..... **HB 199 am**

**habitual offenders, mandatory minimum penalty ..... **HB 438******implied consent law, chemical tests, expenses deducted from court fines **SB 33******inspection stickers**

- counterfeit or forged, penalty ..... **HB 628**
- illegal use, penalty ..... **SB 168**

**intoxicated drivers**

- arrest without warrant after accident ..... **HB 354**
- peace bond prohibited during appeal ..... **HB 111**
- junk, removal from private property adjacent to federal-aid highways **HB 217**

**liability insurance**

- accident redefined to include only convictions of violation or
  - responsibility for damages to other party ..... **HB 748**
- claims payable within 15 days, penalty ..... **SB 185**
- N.H. plan, assigned risk office maintained in state ..... **SB 54**
- no-fault ..... **HB 607**
- no-fault; first party coverage, minimum benefits; damage suits
  - permitted ..... **SB 219**
- no-fault, national legislation ..... **HCR 11**
- noncooperation of insured as a defense prohibited ..... **SB 20**



**Motor vehicles — continued**

- liability insurance — continued
  - state and municipalities liable only to extent of minimum limits of policies ..... **SB 21 am**
  - unfair practices, regulations ..... **SB 190**
- manufacturers
  - and distributors, warranty bonds required ..... **HB 788**
  - distributors and dealers, business practices, regulations ..... **SB 178**
- minors, age 18, legally responsible with consent of one parent, repealed **SB 57**  
**HB 403**
- number plates
  - general court members, limitation ..... **HB 260**
  - reflectorized ..... **SB 18**
  - special for court justices ..... **SB 167**
  - special for disabled, unemployable veterans ..... **HB 865**
  - special for news media ..... **SB 86**
- off highway recreational. *See: Off highway recreational vehicles*
- operator's license
  - duplicate, fee ..... **HB 65**
  - free to disabled, unemployed veterans ..... **HB 865**
  - refund when voluntarily surrendered ..... **HB 190**
  - suspension, minors under 18 transporting or drinking alcoholic beverages ..... **SB 57**  
**HB 403**
  - suspension or revocation, driving after, minimum penalty ..... **SB 117**
- overtaking and passing school buses, registered owners responsible ..... **SB 98**
- parking
  - facilities, annual rates ..... **SB 210**
  - free to certain persons, approval of local authority ..... **SB 209**
  - free to disabled, unemployable veterans ..... **SB 209 am**  
**HB 865**
- passing on right, limited access highway ..... **HB 170**
- pedestrians
  - crossing with traffic signals ..... **HB 130**
  - soliciting rides when not in paved portion of highway, permitted **HB 1037**
- reckless driving
  - minimum penalties set ..... **HB 427**
  - peace bond prohibited during appeal ..... **HB 111**
- registration. *See also: Motor vehicles, number plates*
  - fees, disabled, unemployable veterans exempted ..... **HB 865**
  - fees, flat rate, and monthly proration ..... **HB 66**
- right turn at red light designated by sign ..... **HB 130**
- school bus. *See: School bus*
- service stations, certain promotional games prohibited ..... **HB 257 am**
- speed limits, warning signs; limitation on use of radar and other electronic devices ..... **HB 630 am**
- spillage, sand and gravel to be covered, exceptions ..... **HB 193 am**
- tires
  - defective, listed on defective equipment tag ..... **HB 819 am**
  - spare, subject to inspection standards, exception ..... **SB 65**
- trailers, riding in prohibited ..... **SB 93**
- trucks
  - transporting certain materials, width limit not to include certain safety equipment ..... **SB 264 am**
  - width limit increased; width and length limits, exceptions ..... **SB 17**
  - wood products, means of securing ..... **SB 24**
- uniform laws, study ..... **SJR 13**
- violations, fines, district courts to retain increased percentage for court prosecutor ..... **SB 80**
- weight limitations, 5% tolerance ..... **SB 264 am**  
**SB 269**
- yielding right of way, criminal penalty repealed ..... **SB 59**

**Motorcycles, mini bikes. See: Off highway recreational vehicles**

**See Numerical Index following for action on bills**



**Mt. Sunapee**

- ski area, resident student discount to age 18 ..... SB 57  
 state park, snowmaking system, appropriation ..... SB 403  
 state park, snowmaking system, appropriation ..... SB 114

**Mt. Washington Cog Railway. See: Railroads**

- Mt. William Pond (Weare), motorboats, petroleum powered, prohibited** HB 689

**Municipal budget law**

- not a prerequisite for adoption of optional fiscal year in towns ..... HB 874  
 transfer of surplus funds, budget committee approval not required ..... HB 684

**Municipal courts**

- appeals to superior court in criminal cases repealed ..... SB 7  
 court of record ..... SB 7  
 implied consent law, chemical tests, expenses deducted from fines ..... SB 33  
 justices, practicing law, prohibition, salary limit raised ..... HB 887

- Municipal finance, temporary loans, reduction of principal** ..... HB 635

- Murder, county attorney may file criminal information** ..... SB 8

- Murphy dam, Lake Francis, payments in lieu of taxes to Pittsburg and  
 Clarksville** ..... HJR 12

**N**

- NOW accounts in savings banks permitted, interest limited to rate at  
 national banks** ..... HB 768 am

**Narcotics. See: Drugs****Nashua, city of**

- mayor, elected by majority vote; run off election; referendum ..... HB 230  
 verification of checklist ratified ..... HB 802 am

- Nashua-Hudson circumferential highway, memorializing commissioner  
 of public works and highways** ..... SCR 9

**National conventions, delegates**

- ballots and declaration of candidacy, form ..... SB 129  
 fee increased for election recount; full expenses if difference in vote  
 is over 1% ..... HB 347 am

- National Ocean Survey, monitoring of Old Man of the Mountains** ..... SB 66

- Natural heritage conservation fund, DRED, for land acquisition** ..... HB 508

- Natural resources, special board transferred to environmental protec-  
 tion department** ..... SB 1 am

- Negligence, actions against state and municipalities to minimum re-  
 quired limits of automobile liability insurance** ..... SB 21

**Negotiable instruments**

- payment of withdrawals from savings banks permitted, interest lim-  
 ited to rate at national banks ..... HB 768 am

- payments stopped and property not returned to lien holder, prima  
 facie evidence of fraud; misdemeanor ..... SB 203

- Nelson, James, bank commissioner, address and discussion** ..... 369-379

- New Durham, town of, meeting legalized** ..... HB 1016

**New England**

- higher education compact, board membership increased; authority  
 for disbursement ..... SB 207

- interstate water pollution control commission, alternate members ..... HB 335  
 power pool, participation by electric utilities ..... SB 181

- New England Aeronautical Institute, degree granting powers** ..... HB 146

- New England Organized Crime Information Service, New Hampshire  
 participation, hearings** ..... 991

- New England Regional Commission, letter to, canceling grant  
 agreement** ..... 303-305

**N.H.**

- automobile insurance plan. See: Motor vehicles, liability insurance  
 boundaries

- Maine perambulation appropriation ..... HB 182

- marine commission, membership increased ..... SB 170

- marine, dispute with Maine ..... HJR 42

- marine, jurisdiction extended 200 miles ..... HB 714 am

- marine, jurisdiction extended 200 miles re taking of clams ..... HB 286

- Massachusetts perambulation and appropriation ..... HB 182

- N.H. — continued**  
 distributing agency  
   commodity food program, counties to be recipient agencies ..... SB 120  
   transferred to the office of the commissioner of health and welfare ..... HB 727  
 Maine, marine boundary dispute ..... HJR 42  
 song, third ..... HB 988
- N.H. Association of Assessing Officials**  
 name changed from Association of N.H. Assessors ..... HB 385  
 property tax administration education, appropriation ..... SB 249
- N.H. Conservative Union, biggest liar contest** ..... 362
- N.H. Historical Society, creation of council for N.H. studies project** ..... SB 224
- N.H. Legal Assistance, public defender for Merrimack and Hillsborough counties** ..... SB 101 am
- N.H. Savings Bank, purchase and renovation of building, 1971 appropriation repealed** ..... HB 262 am
- New London, state liquor store** ..... SB 73
- Newfound Lake (Bristol), dam acquisition by water resources board** ..... HB 283
- Newmarket school district, withdrawal from supervisory union #14** ..... SB 126
- News media, special motor vehicle number plates** ..... SB 86
- Newspapers, clerk to furnish for members and officers of Senate 18, remarks** ..... 41-42
- Nicaragua earthquake, remarks by Sen. Spanos** ..... 45-46
- Nixon, David L., Senator. See: President**
- Nixon, Richard M., President, commending effort in bringing Vietnam War to an end** ..... HCR 10
- No-fault automobile insurance** ..... HB 607  
   first party coverage, minimum benefits; damage suits permitted ..... SB 219  
   national legislation ..... HCR 11
- Noise**  
   abatement agency ..... HB 1021  
   limits established for off highway recreational vehicles ..... HB 10
- Nominations to public office. See: Elections**
- Norman, Rev. Bertil, guest chaplain** ..... 1441
- North American Alpine ski championship, 1975, Cannon Mt., appropriation** ..... HJR 37
- North Conway fire department, in favor of** ..... HJR 22
- North Hampton, town of, meeting legalized** ..... HB 1016
- North Vietnam, memorializing the congress not to rebuild** ..... HRC 13
- Notes. See also: Bonds**  
   municipal, temporary, reduction of principal ..... HB 635
- Nubanusit Brook (Harrisville) reclassified** ..... HB 803
- Number plates. See: Motor vehicles, number plates**
- Nurses**  
   advanced registered practitioners ..... HB 574  
   board of nursing education and nurse registration  
     biennial report to governor and council ..... HB 297  
     supplemental appropriation ..... HJR 14
- Nursing homes**  
   administrators, board of examiners, noninstitutional members to have  
     no financial interest in any nursing home ..... HB 423  
   employees, minimum wage, time and a half for overtime ..... HB 358 am  
   mandatory staffing requirement, etc. memorializing congress for  
     modification ..... HCR 18

## O

- Odyssey House, drug abuse treatment program, res** ..... 1985-1986
- Off highway recreational vehicles, operation, equipment, and registration; disposition of registration fees** ..... HB 10
- Office space**  
   and parking area, purchase and renovation by state, appropriation ..... HB 262 am  
   legislative control of state house basement, 1st, and 3d floors, exceptions ..... HB 778 am

See Numerical Index following for action on bills

Office space — continued	
renewal of lease of old Blue Cross-Blue Shield building by state	SJR 10
study committee continued	HB 1047
Oil. See also: Petroleum products	
refineries, site evaluation committee, hearings	SB 149 am
Old age assistance, eligibility, citizenship requirement removed; reimbursement to state by county or town	HB 429
Old folks homes, patients, residence retained for voting purposes	SB 205
Old Fort Number Four, reconstruction, appropriation	HJR 4
Old Ironsides, transfer to Portsmouth naval shipyard	HCR 17
Old Man of the Mountains, monitoring devices	SB 66
“Old New Hampshire”. See: State song	
O’Neil, Hubert S., department adjutant of the American legion, communications	2481
O’Neil, James E., Sr., Rep., honorary certificate presented to 699-700, reply 745-746, remarks re harmony between Senate and House	2237
Open space land. See also: Land, forest and farm	
study commission	HB 504
taxation based on current use	HB 307
Optometry	
board of registration, biennial report to governor and council	HB 297
practice of, fee increased; continuing education required	HB 625
qualifications, age 18	SB 57
	HB 403
Orange, highway reclassified	HB 224
Organic farm produce, state regulations	SB 176
Otter Brook state park (Keene), highway reclassified	SB 124
Other skins, stamped or sealed, may be sold	HB 157
Outdoor advertising	
cities and towns, regulatory ordinances and fees for permits	SB 194
commercial and industrial areas near federal highways, removal	SB 199
license required for all devices on federal highways; fees increased	SB 192
permit fees increased	SB 193
primary highways, compensation for removal	HB 256
secondary highways, moratorium extended	HB 256
use of natural objects or public utility poles prohibited on primary and secondary roads	HB 634 am
Outdoor recreation program, bureau, federal funds, appropriation	SB 79
Oysters, licenses, free to residents age 68	HB 139

## P

Paire, Newell, commissioner of education, address and discussion	488-503
Parent	
and child, adoption procedures	HB 673
defined for purposes of determining eligibility for aid to families with dependent children	HB 878 am
Parental rights, termination	SB 90
Pari-mutuel pools, commission increased	HB 618 am
Parking. See also: Motor vehicles, parking	
area and office space, purchase and renovation by state, appropriation	HB 262 am
Parks	
division	
maintenance of unused covered wooden bridges	HB 858
snow farming, time and a half for overtime to employees, appropriation	HB 512
state	
access roads changed from class V to II	SB 124
Alan B. Shepard, appropriation	SJR 19
Bear Brook, fire and rescue service from Allenstown, reimbursement appropriation	HJR 15
expansion, appropriation; bonds or notes authorized	SB 125
Franconia Notch (Cannon Mt.) world cup ski championship, 1975, appropriation	HJR 37





**Physicians and surgeons — continued**

board of examiners, member, age 18 .....	SB 57
.....	HB 403
drug prescriptions to include generic and brand names .....	HB 148
education for qualified N.H. residents at Dartmouth medical school .....	HB 368
may provide minors with contraceptive devices and family planning information without parental consent .....	HB 956
qualifications, age 18 .....	SB 57
.....	HB 403

**Pierce Brigade, federal funds for maintenance of Franklin Pierce home,  
state reimbursement repealed .....** SB 102

**Pierce College for Women, degree granting powers repealed .....** HB 146

**Pierce Manse, flag pole from old post office, building .....** SCR 10

**Piscataquog River (Manchester), Kelley Falls dam acquisition by water  
resources board .....** HB 123

**Pistols and revolvers, felons possessing, violation of restrictions, pen-  
alty .....** HB 933 am

**Pittsburg, town of, payments in lieu of taxes on Murphy dam on Lake  
Francis .....** HJR 12

**Pittsfield, town of, special meeting authorized .....** HB 909

**Planning boards**

discretionary easements on open space lands .....

ex officio members may vote .....

notified of excavating and dredging intentions .....

subdivision regulations to include consideration for schools and fire  
departments .....

towns, members .....

may be elected .....

may serve on other municipal boards and commissions .....

two may serve on other municipal boards or commissions .....

**Planning, comprehensive, office, collaboration with environment protec-  
tion dept. on land use plan .....** SB 1 am

**Plymouth state college. See: University of N.H.**

**Podiatrists**

board of examiners .....

biennial report to governor and council .....

public health services director may designate alternate .....

qualifications, age 18 .....

.....

**Police. See also: Law enforcement officers**

cars, mandatory marking .....

chiefs, powers; suspension, appeal to superior court .....

court capias may be served by .....

part time or special, pension increased .....

standards and training council .....

biennial report to governor and council .....

permanent state agency .....

**Policemen's retirement system**

additional allowances, retirement before June 1, 1968 .....

cost of living increase .....

**Political advertising, use of natural objects or public utility poles pro-  
hibited .....** HB 634

**Political party, defined as charitable organization for holding raffles .....** HB 947

**Poll tax. See: Resident tax**

**Pollution. See: Air Pollution; Environmental protection; Noise; Water  
pollution; Water supply and pollution control commission**

**Poole, Rev. Walter L., guest chaplain .....** 101

**Population growth, economic, social, and environmental effects of, in-  
terim commission study .....** SJR 1

**Port authority, membership .....** HB 860

altered .....

increased to include one commercial fisherman .....

.....



- Porter, Sen. Frederick A.**, elected temporary presiding officer 2, appointed majority leader 7, appointed to current use advisory board 208, appointed to governor's council on energy 2036, 2079
- Portsmouth**  
 city of  
   bond issue to satisfy claim by public service company may exceed debt limit ..... **HB 621**  
   taxes, delinquent, interest rate increased, referendum ..... **HB 567**  
   union school district, independent fiscal and appropriating powers; referendum ..... **HB 979**
- Portsmouth naval shipyard**, res on maintaining installation, adop ..... 731-732
- Post audits**, review and recommendations of governor and council ..... **HB 778**
- Post office building, old (Concord)**  
   control and renovation by legislative facilities committee ..... **HB 810**  
   technical assistance from public works and highways department **HB 1054**  
   flag pole given to Pierce Manse ..... **SCR 10**  
   space assigned by legislative management committee ..... **HB 778 am**
- Postsecondary education commission**, to replace coordinating board of advanced education and accreditation and higher education facilities commission ..... **HB 843**
- Poultry inspection**, processing plants to pay costs after regular business hours ..... **HB 33 am**
- Powers, Edward**, sweepstakes commission executive director, address 1191-1197
- Prayer**. See: Lord's prayer
- President, Sen. David L. Nixon**, nominated and elected (RC) 2-7, opening remarks 7-9, acting governor 49-51, cannot vote 55, absent, bills signed by vice-president, majority or minority leader 99, remarks re election of senate president 521-522, remarks re Tom Hooker, director of division of welfare 1072-1074, gavel award presentation 1636
- President's rulings**  
   bills and resolutions acted upon should be in printed form ..... 866  
   conference committees, appointments ..... 960  
   constitutional amendment proposals, amendment requires only majority vote ..... 113  
   hearings, 2 notices, includes day of hearing ..... 47  
   methods for opposing amendments ..... 580  
   motion for adoption of committee report not required ..... 577  
   motion for reconsideration ..... 653-654, 727  
   question indefinitely postponed may be reconsidered on majority vote, but action on bill would require  $\frac{2}{3}$  vote ..... 694  
   questioning witnesses at committee hearings permitted ..... 766  
   suspension of rules, justifying motion before the vote permitted ..... 98-99
- Preston, Sen. Robert F.**, White House report 687-689; remarks on committee of the whole 1736
- Primary elections**. See: Elections, primary
- Prison, state**. See: State prison
- Prisoners, county**  
   employment at municipally owned recreational facilities and conservation projects ..... **HB 847 am**  
   private use by county employee, officer, or agent prohibited ..... **HB 72 am**
- Prisoners of war**, honoring ..... **HCR 14**
- Private acts**, notice of sent to cities and town, repealed ..... **HB 778**
- Privies**, local health officials' approval required ..... **HB 397 am**
- Probate code**, uniform, study ..... **HJR 49**
- Probate courts**. See also: Descent and distribution; Executors and administrators  
   appeals to supreme court; exception ..... **HB 872**  
   Cheshire county, day of session changed ..... **SB 48**  
   contested wills, jury trials transferred to superior court ..... **SB 22**  
   jurisdiction  
     commitment procedures of mentally ill ..... **HB 539**
- See Numerical Index following for action on bills

**Probate courts — continued**

## jurisdiction — continued

domestic relations, study ..... SB 83

termination of parental rights ..... SB 90

procedure for examination of incompetents ..... SB 23

**Probate judges**

judicial referees, after retirement ..... SB 52

power to interpret and construct wills and testamentary trusts ..... HB 871

**Probation**

## board

biennial report to governor and council ..... HB 297

membership increased; assistant directors, appointments ..... HB 981

department director, address by John King ..... 935-941

officers, assistant directors appointed ..... HB 981

recognizance, repealed ..... HB 981

**Promotional games, prohibited at gas stations; exceptions** ..... HB 257 am**Property**

insurance fund, assessment on premiums ..... SB 204

tax administration, education, appropriation ..... SB 249

taxes. See: Taxes

**Prorogation. See: General court, adjournment****Prospecting, permit from director of resources development required** ..... SB 162**Prowse, Robert J., memorial bridge (Londonderry) name changed from**

Ash Street bridge ..... HB 201

**Public accountants. See: Accounting practitioners****Public assistance. See: Welfare****Public buildings, access by handicapped, effectiveness of laws, study**

committee continued ..... HJR 45

**Public defender, Merrimack and Hillsborough counties** ..... SB 101 am**Public documents**

preparation by public accountant or certified public accountant ..... HB 892

state, deposit in designated libraries ..... HB 297

**Public employees. See also: Public officers; State employees**

collective bargaining ..... SB 196

HB 889 am

deferred compensation plan ..... HB 857

indemnification and liability insurance ..... HB 755 am

**Public health services**

## director

licensing of food service establishments ..... HB 477

list of 200 most commonly prescribed drugs ..... HB 222 am

may designate alternate on certain boards ..... HB 1020 am

term of office, new term to start with new appointment ..... HB 532 am

## division

compilation of drug formulary giving generic and brand names ..... HB 148

family planning services provided ..... HB 691

hospital licensing, biennial report to governor and council ..... HB 297

noise abatement agency ..... HB 1021

pilot programs for solid waste disposal ..... HB 151 ND am

**Public meetings and records, right to know law, remedies for violation** ..... HB 323**Public officers**

## indemnification

and insurance for damages ..... SB 130

and liability insurance ..... HB 755 am

major, assassination, mandatory life sentence ..... SB 10

**Public utilities**

## commission

biennial report to governor and council ..... HB 297

permits to carriers of property for hire validated ..... SB 136

regulation of non-municipal water companies ..... HB 836

site evaluation committee, joint hearings, location ..... SB 149

transportation analysis position ..... HB 20 am

commissioner, address and discussion by Alexander Kalinski ..... 1000-1008

participation in electric pool facilities ..... SB 181

**Public utilities — continued**

- quality service required before rate increase approval ..... SB 263
- service repairmen, identification required ..... HB 849
- stand-by connections for private fire protection systems, recovery of costs ..... HB 836 am
- termination of gas and electric service, good cause and notice required SB 231

**Public works and highways**

- associate commissioner ..... HB 509 am
- certain employees, retroactive inclusion in retirement system, actuary study, appropriation ..... SJR 3
- commissioner
  - address and discussion by Robert Whitaker ..... 1103-1109
  - authority re housing projects transferred to housing commission ..... HB 470
  - highway reconstruction program appropriation ..... SB 144
  - modification of motor vehicle weight limits as necessary for receiving highway aid ..... SB 264 am
  - Nashua-Hudson circumferential highway, memorializing ..... SCR 9
  - regulation of class I, II, and III highways in town of less than 5000 population ..... HB 208
  - removal of outdoor advertising along highways ..... HB 256
- department
  - annual report to governor and council to include shore and beach preservation and development report ..... HB 297
  - bicycle trails, erection of signs ..... HB 299
  - old post office building renovation, technical assistance to legislative facilities committee ..... HB 1054
  - removal of junk vehicles adjacent to federal-aid highways ..... HB 217

**Purchase and property**

- director
  - purchase of blanket bond for state employees and officials ..... HB 520
  - purchase of products and services of the handicapped ..... HB 1044
  - state agencies' field purchases, limit increased ..... SB 175
- division
  - purchasing for UNH ..... SB 26
  - transferred to administration and finance department ..... HB 727 am

**R****Racing**

- classified as industry under zoning regulations ..... HB 1040
- commission
  - annual report to governor and council ..... HB 297
  - harness, supplemental appropriation ..... SB 133
- dogs
  - licenses, moratorium until June 30, 1975 ..... SB 222
  - tracks at least 40 miles apart ..... SB 183
- fees payable to cities and towns increased ..... HB 475 am
- harness, sire stakes program ..... HB 463
- horses, doping or stimulating prohibited ..... HB 829
- pari-mutuel pools, commission increased ..... HB 618 am
- Radiation, advisory committee, biennial report to governor and council HB 297
- Raffles, charitable organizations defined to include political committee or party ..... HB 947
- Ragged Mountain highway (Danbury to New Hampton) named ..... HB 245

**Railroads**

- air pollution control law exemptions ..... SB 3
- taxation, abatement or partial payment ..... HB 920 am
- Real estate. See also: Deeds and conveyances; Executors and administrators; Mortgages; Taxes
  - appraisal, towns and cities may establish capital reserve funds ..... HB 194
  - brokers and salesmen
    - commissioned, not eligible for unemployment compensation ..... HB 519
    - examinations, necessary expenditures for testing service authorized SB 38 am

See Numerical Index following for action on bills

**Real estate — continued****brokers and salesmen — continued**

prohibited conduct .....	SB 49
qualifications, age 18 .....	SB 57
	HB 403

**commission**

biennial report to governor and council .....	HB 297
public hearing required before amending rules and regulations; investigator of complaints .....	SB 197
conveyance to and by limited partnerships .....	HB 861
deeds, conservation and preservation restrictions .....	HB 747
discrimination in selling or renting commercial structures prohibited .....	SB 19
electrical inspection prior to sale mandatory .....	SB 200
mortgages, bank service charge and prepayment penalty prohibited .....	HB 289 am
levied against seller prohibited .....	HB 289

**Reckless driving. See: Motor Vehicles****Recognizances. See: Bail and recognizances**

**Recorded devices, unauthorized copying for sale, prohibited** ..... HB 566

**Recording devices, use permitted in superior and district courts** ..... HB 975

**Records management and archives division transferred to administration and finance department** ..... HB 727 am

**Recreational areas. See also: Parks**

acquisition of Gile forest .....	SB 104
municipally owned, employment of county prisoners .....	HB 847
state, free for residents age 65 .....	HB 7 am
statewide trail system .....	HB 657 am

**Recreational vehicles. See: Off highway recreational vehicles****Recycling**

centers, solid waste disposal, regional cooperative agreements	HB 150 ND am
solid waste, committee to prepare plan .....	HB 151 ND

**Reed Act funds, Social Security Act, unemployment compensation benefits, appropriation** ..... HB 1009

**Refrigeration technicians, board of registration, rules and regulations** SB 257

**Refuse. See also: Solid waste disposal**

dumping in public place, maximum fine increased .....	HB 75 am
---	----------

**Registers of deeds**

fees increased	
Rockingham county .....	HB 178
uniform for each county except Coos and Carroll .....	HB 233 am
listing of open space assessments filed with by local officials .....	HB 307 am
salaries, fixed amount, except Coos and Carroll counties .....	HB 179 am
term increased .....	HB 153

**Registers of probate**

notice of appointment of guardians, conservators, administrators and executors .....	HB 650
term increased .....	HB 153

**Registration of voters. See: Elections, checklists**

**Reinhart, Arthur J., former senator, communication** ..... 483-484

**Religious organizations**

proximity of liquor stores reduced .....	SB 179 am
uniform management of institutional funds act .....	SB 75
unincorporated, merger provisions .....	HB 767

**Relocation assistance, eminent domain takings, payment by cities and towns authorized when necessary to qualify for federal funds** ..... HB 338

**Replevin, procedural amendments** ..... SB 247

**Reports**

N.H., distribution by supreme court reporter .....	HB 35
state agencies, standardization .....	HB 297

**Rescue. See: Search and rescue**

**Research, staffing and facilities, committee appointments** ..... 156-157

**Reserve funds authorized in anticipation of new fiscal year** ..... HB 449



**Resident**

- definition under fish and game laws ..... HB 132
- tax
  - armed forces members exempt, certifying deadline repealed ..... HB 121
  - 18 year olds liable ..... SB 57
- retained by cities and towns ..... HB 403
- statutory references changed from poll tax ..... HB 206 am
- statutory references changed from poll tax ..... HB 720

**Resources and development council**

- biennial report to governor and council ..... HB 297
- centralized land acquisition procedure ..... HB 508
- notification of permit applications filed and action taken by environmental protection department ..... SB 1

**Resources and economic development**

- advisory commission, biennial report to governor and council ..... HB 297
- commissioner
  - address and discussion by George Gilman ..... 1031-1043
  - Gile Forest, acquisition for state reservation, appropriation ..... SB 104
  - statewide trail system ..... HB 657 am

**department**

- aerial surveys ..... HB 388
- bureau of outdoor recreation program, federal funds appropriation SB 79
- community recreation service. See: Community recreation service
- historic preservation office ..... SB 137
- monitoring of Old Man of the Mountains ..... SB 66
- natural heritage conservation fund for land acquisition ..... HB 508
- off highway recreational vehicles bureau ..... HB 10
- park and forest security officer ..... SB 116

**Resources development division, director**

- consent necessary for cutting timber near public waters and highways SB 36
- mining and reclamation act administration ..... SB 162

**Restaurants**

- alcoholic beverages, license fees increased ..... HB 850
- cocktail lounges, alcoholic beverage special license requirements ..... HB 955
- licensing and regulation ..... HB 477

**Retail selling, home solicitation, cancellation procedure**

HB 775

**Retirement credits**

- Bolton, Thomas A. .... SJR 16
- Donahue, Francis J. .... HJR 43 am
- Downey, Mary S. .... SJR 6
- Lanigan, Floris H. .... HJR 43 am
- Lewis, Kenneth ..... SJR 8
- Low, Willis S. .... HJR 43 am
- McGee, John P. .... HJR 43 am
- Marchand, Lawrence E. (Berlin) ..... HJR 43 am
- Metcalf, Clarence W. .... HJR 43
- Weeks, Ernest W. .... SJR 16 am

**Retirement funds, pension and profit-sharing**

SB 243

**Retirement system, N.H. See also: State employees' retirement system;****Teachers' retirement system**

- actuary
  - definition ..... HB 456
  - study, retroactive inclusion of certain employees of public works and highways, appropriation ..... SJR 3
- additional appropriation ..... HJR 23
- certain teachers transferred from teachers' retirement association ..... SB 240
- cost of living increase ..... SB 100 am
- employees transferred to, except on written request to remain in predecessor system ..... HB 681

See Numerical Index following for action on bills



**Retirement system, N.H. — continued****group 1**

average final compensation based on highest 3 years of service; assessment for financing .....	HB 409
service retirement benefits, section reworded .....	SB 110
teachers, average final compensation based on highest 3 years of service .....	SB 109
teachers, beneficiary to receive cash refund .....	SB 82
teachers, full credit for service in excess of 30 years; assessment of employers .....	SB 107
teachers, vested deferred retirement benefits .....	SB 89
group II, prison officers transferred to .....	SB 191
investment of funds in unauthorized securities .....	HB 632
membership voluntary, town and city managers .....	HB 751
ordinary death benefits .....	HB 433 am
study commission .....	SB 212
teachers' retirement system merged into .....	SB 111

<b>Revenue administration department to replace tax commission administrative functions .....</b>	<b>HB 818</b>
---	---------------

**Revised Statutes Annotated**

distribution to include standing committees .....	HB 527 am
penal, revised to conform with criminal code .....	HB 608
	HB 609
	HB 610
	HB 611
	HB 1015
pocket supplements for 1975 .....	HB 484
recompilation of volumes 5 & 6 .....	HB 527
republishing of volume 3-A .....	HB 483
statutory corrections re gambling .....	HB 56
transfer of certain chapters of title LVIII to conform to the criminal code .....	HB 703

**Revolvers. See: Firearms; Pistols and revolvers**

<b>Rhododendron state park (Fitzwilliam), highway reclassified .....</b>	<b>SB 124</b>
--	---------------

**Right to know law**

extended to department of employment security .....	HB 826
remedies for violation .....	HB 323

**Road rules. See also: Bicycles**

passing on right, limited access highways .....	HB 170
reckless driving, minimum penalties set .....	HB 427
right turn on red light; pedestrians .....	HB 130
yielding right of way, failure to, criminal penalty repealed .....	SB 59

**Road toll. See: Motor vehicle road toll****Roads. See: Highways****Rochester****city of**

council increased to 15 members; referendum .....	HB 591
mayor non-voting member of school board; referendum .....	SB 142
mayor, salary increased; referendum .....	HB 752
police commission increased, one elected from each ward; referendum .....	SB 143
school board, increased to 15 members; referendum .....	HB 591

**school district**

area contract with Strafford may be amended to include only grades 9-12 .....	HB 498
area plan, Barrington withdrawal authorized .....	SB 250

<b>Rockingham Boulevard (Salem), exit provided .....</b>	<b>HB 759</b>
--	---------------

**Rockingham county**

home and hospital, patients allowed to fish without a license .....	SB 139
public defender system .....	SB 101
register of deeds, fees increased .....	HB 178
sheriff and deputies, mileage allowance increased .....	HB 474

<b>Roll call system, electronic, house of representatives, appropriation .....</b>	<b>HJR 5</b>
--	--------------

**Roll calls**

opening of session	1
Sen. David Nixon elected president	6-7
<b>SB 3</b> , re exempting steam locomotives and engines from the provisions of the air pollution control law. Question, suspension of rules. Yeas, 16; Nays, 7	40
Question, order to third reading. Yeas, 23; Nays, 0	40-41
<b>SB 16</b> , prohibiting a split deer hunting season. Question, recommit. Yeas, 9; Nays, 12	226
Question, indefinitely postpone. Yeas, 12; Nays, 7	361
<b>SB 17</b> , re the allowable width and length of certain vehicles. Question, indefinitely postpone. Yeas, 16; Nays, 4	899-900
<b>SB 43</b> , requiring persons engaged in the hunting of big game animals to display on their person a minimum amount of color known as hunter orange. Question, substitute "ought to pass" for "inexpedient." Yeas, 8; Nays, 14	369
<b>SB 49</b> , re prohibited conduct of real estate brokers and salesmen. Question, special order. Yeas, 8; Nays, 12	436
<b>SB 57</b> , lowering the age of majority to eighteen. Question, special order. Yeas, 19; Nays, 1	293
Question, pass with amendment. Yeas, 21; Nays, 1	336
<b>SB 60</b> , providing that no male under sixteen years of age nor any female under fifteen years of age shall be allowed to marry. Question, indefinitely postpone. Yeas, 12; Nays, 9	652-653
<b>SB 65</b> , to require that all motor vehicles and trailers operating on the highways be equipped with tires meeting certain safety standards. Question, indefinitely postpone. Yeas, 10; Nays, 8	1226
<b>SB 69</b> , re selling betting cards by the sweepstakes commission. Question, indefinitely postpone. Yeas, 9; Nays, 15	1378
Question, refer to fiscal committee. Yeas, 8; Nays, 15	1378-1379
<b>SB 96</b> , to provide for the citizen's right to sue to protect against damage to the environment. Question, sustain veto. Yeas, 1; Nays, 21	2401
<b>SB 119</b> , providing for a five year term of office for the commissioner of employment security. Question, indefinitely postpone. Yeas, 15; Nays, 7	1584-1585
<b>SB 141</b> , providing for continued expenditures at current levels in the event a subsequent budget is not enacted. Question, inexpedient to legislate. Yeas, 12; Nays, 12	1635
Question, ought to pass with amendment substituted for inexpedient. Yeas, 12; Nays, 12	1635
<b>SB 151</b> , re changing the commemoration of Memorial Day to the last Monday in May. Question, suspension of rules. Yeas, 14; Nays, 9	1124
Question, indefinitely postpone. Yeas, 10; Nays, 14	1484
<b>SB 162</b> , re mining and removal of minerals and making an appropriation therefor. Question, indefinitely postpone. Yeas, 12; Nays, 11	1609
<b>SB 222</b> , providing a moratorium to June 19, 1975 on the issuance of new dog racing licenses. Question, pass with amendment. Yeas, 24; Nays, 0	1283
<b>SJR 2</b> , providing a supplemental appropriation for school building aid. Question, pass with amendment. Yeas, 24; Nays, 0	111
<b>HB 148</b> , re furnishing generic as well as brand names of prescription drugs. Question, order to third reading. Yeas, 16; Nays, 6	2236
<b>HB 204</b> , establishing a New Hampshire fruit marketing committee. Question, pass with amendment. Yeas, 12; Nays, 10	471
<b>HB 265</b> , re the commitment of children to the industrial school for an offense. Question, indefinitely postpone. Yeas, 12; Nays, 7	1270
<b>HB 309</b> , re the confidentiality of business profits tax records. Question, ought to pass. Yeas, 23; Nays, 0	1738
Question, recommit. Yeas, 9; Nays, 14	1744
Question, adoption of Jacobson amendment. Yeas, 4; Nays, 20	1745
<b>HB 403</b> , lowering the age of majority to 18. Question, ought to pass. Yeas, 20; Nays, 0	621

See Numerical Index following for action on bills

## Roll calls — continued

HB 606, re the control of abortion. Question, indefinitely postpone. Yeas, 13; Nays, 10	1027
HB 607, re motor vehicle insurance and guaranteeing compensation for medical expenses and lost wages. Question, adoption of amendment. Yeas, 14; Nays, 10	2155
Question, conc conf rep. Yeas, 14; Nays, 8	2569-2570
HB 639, permitting voluntary silent meditation in public schools at local option. Question, adoption of amendment. Yeas, 20; Nays, 0	2505
HB 691, providing for family planning services for all persons seeking same. Question, ought to pass. Yeas, 9; Nays, 13	1290
HB 725, to prohibit unmarked cars for use by law enforcement officials for apprehending traffic violators. Question, indefinitely postpone. Yeas, 15; Nays, 8	1993-1994
HB 768, re withdrawals from savings deposits. Question, adoption of amendment. Yeas, 12; Nays, 11	1693
Question, indefinitely postpone. Yeas, 10; Nays, 12	1693-1694
Question, order to third reading. Yeas, 14; Nays, 8	1694
HB 810, establishing a legislative facilities committee, and making an appropriation, therefor. Question, override veto. Yeas, 22; Nays, 0	2448-2449
HB 826, re the repeal of the section excepting the office of employment security from the operation of RSA 91-A. Question, refer to study com. Yeas, 12; Nays, 10	2232
Question, reconsideration. Yeas, 10; Nays, 14	2232
HB 869, creating enabling legislation to permit a local option homeowners' exemption applied to property taxes upon approval by referendum. Question, ought to pass. Yeas, 11; Nays, 8	2215
HB 888, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975. Question, adoption of Jacobson amendment. Yeas, 6; Nays, 13	1958-1959
Question, adoption of Sanborn amendment. Yeas, 2; Nays, 18	1961
Question, adoption of conf rep. Yeas, 15; Nays, 9	2384
Question, refer to conf com. Yeas, 18; Nays, 6	2412
Question, adoption of Green amendment. Yeas, 10; Nays, 12	2468
HB 889, providing for settlement of disputes between public school teachers and school districts or supervisory unions and for other purposes. Question, special order. Yeas, 13; Nays, 9	1992
HB 890, re the control of abortion. Question, suspension of rules to allow introduction. Yeas, 6; Nays, 15	1709-1710
HCR 6, to petition the congress of the United States of America to call a convention to propose an amendment to the Constitution of the U.S. permitting voluntary prayer in public schools. Question, adoption of amendment. Yeas, 12; Nays, 9	1403-1404
CACR 11, re voting age. Providing that: eighteen year olds may vote. Question, final passage. Yeas, 21; Nays, 0	255
Rollins state park (Warner), highway reclassified	SB 124
Rudman, Warren B., attorney general, address	310-320
<b>Rules, joint</b>	
convention of house and senate called to provide	SCR 5
1971 session temporarily adopt	13
rule 10, (time limitation on bills) list of bills	1499-1506
rule 19, (time limitation on appropriation bills) list of bills	1610-1611
status 41, 46, conf 51-55, time extended 116, 199, laid on table 379-386, 408-409, H adop 556, 1125, laid on table 1276-1277, nonconc, new conf 1319, 1327, 1360, rep adop 1362-1367, 1404	
<b>Rules of the road. See: Bicycles; Motor vehicles; Road rules</b>	
<b>Rules, Senate</b>	
1971 session, adop 12-13, am 21-27, 139-141	
rule 27 (standing committees) am adop 157, 308-309	
rule 45 (personal privilege) discussion 131-133, 139-141	
rule 46 (political matters) proposed, discussion 132-133, 139	

## S

**Safety department**

commissioner, Richard Flynn, address and discussion ..... 1128-1136  
 deputy commissioner ..... HB 509 am

**Safety glazing materials, standards; manufacturers' and distributors' label SB 160****Safety services director**

boat registration, revocation or suspension, responsibility transferred  
     from motor vehicle director ..... SB 145  
 boating accidents, investigation ..... HB 856  
 commercial boating, responsibility transferred from motor vehicles  
     director ..... SB 146  
 suspension and revocation of privilege to operate a boat ..... HB 381

**Salem, Rockingham Boulevard, exit provided HB 759****Salisbury, town of, meeting legalized HB 444 am****Sanborn, Sen. William E., American Legion life membership, certificate of recognition 439-440, birthday 2562****Sand and gravel**

mining and reclamation act ..... SB 162  
 spillage from vehicles, loads to be covered, exceptions ..... HB 193 am

**Sand eels, taking by seine, weir, or nets limited to residents HB 814****Sandwich Notch, included in the White Mountain National Forest HCR 20****Sanitation, privies, local health officials' approval required HB 397 am****Savchick, Michael, water pollution abatement of Androscoggin River, reimbursement SJR 4****Savings and loan associations**

investments, real estate  
     limitations ..... HB 359  
     with long term leases ..... SB 163  
 liquidation, investors and depositors equal creditors ..... SB 164  
 liquidity requirements ..... SB 152  
 mobile homes, loans increased ..... SB 155

**Savings banks**

excess reserves, temporary investment in federal funds ..... SB 254  
 hearings prior to establishment upon request or at discretion of  
     board ..... HB 62 am  
 investments  
     licensed mortgage guaranty insurance companies included ..... SB 171  
     mobile home loans, restrictions eased ..... HB 976  
     loans to officers, same terms as to others ..... HB 250  
 mortgages, service charge  
     and prepayment penalty prohibited ..... HB 289 am  
     levied against seller prohibited ..... HB 289  
 NOW accounts permitted, interest limited to rate at national banks HB 768 am

**Scenic preservation, town roads, petition by landowners; road agent may clear obstructions SB 56****Scholarships, orphans of veterans of Southeast Asian conflict HB 601****School boards**

child benefit services  
     increased ..... SB 267  
     mandatory ..... SB 64  
 duty to provide education to age 18 ..... SB 57  
     HB 403  
 food programs for the elderly on school property authorized ..... SB 237  
 statistics maintained on student's age, height, weight, and grade ..... HB 352 am

**School building aid, supplemental appropriation SJR 2****School bus**

operators, qualifications, age 18 ..... SB 57  
     HB 403  
 overtaking and passing violations, registered owner responsible ..... SB 98  
 pupils prohibited for disciplinary reasons ..... SB 97  
 transportation required through high school ..... HB 823

See Numerical Index following for action on bills



**School districts****area**

- pupils attending school outside receiving district ..... SB 42
- Rochester and Stafford, contract may be amended to include only  
grades 9-12 ..... HB 498
- bonds and notes in excess of \$100,000, procedure for approving ..... HB 169
- reconsideration, 7 days delay ..... HB 485 am
- cooperative, annual meetings, dates changed ..... HB 846
- elections. See: Elections
- employees. See: Public employees
- federal enclaves, separate from local school districts ..... HB 1036
- handicapped children, tuition liability limited ..... SB 76
- liability for educational expenses of inmates in public institutions ..... HB 809
- officers
  - indemnification and liability insurance ..... SB 130
  - time of taking office ..... HB 755 am
- representative voting to replace block voting in supervisory union  
matters ..... HB 514
- treasurers, investment of surplus funds ..... HB 959
- tuition
  - foster children, paid by state ..... SB 255
  - liability for high school students attending in another district ..... HB 495
  - of pupils on federal property, assessment against parents, limita-  
tions ..... HB 785

**School supervisory unions**

- additional votes based on teachers employed in excess of 8 .... HB 514 am
- no. 10, withdrawal of Londonderry ..... HB 70
- no. 14, withdrawal of Newmarket ..... SB 126

**Schools**

- area. See: School districts, area
- food and nutrition programs required ..... HB 352
- learning disabilities specialists ..... HB 255
- prayers, voluntary, petitioning congress for constitutional amend-  
ment ..... HCR 6 am
- private, transportation of pupils, high school students included ..... SB 267
- proximity of liquor stores reduced ..... SB 179 am
- public, Lord's prayer and pledge of allegiance, voluntary recitation,  
local option ..... HB 639
- secondary regional vocational education centers ..... HB 730
- staff development programs, appropriation ..... SB 87
- sweepstakes funds, date of distribution; payment to nonpublic schools  
deleted ..... HB 341
- teachers. See: Teachers
- volunteer programs, appropriations ..... HB 472
- Scuba diving, inland waters, diver's flag required; penalty ..... HB 292 am
- Search and rescue operations, responsibilities of fish and game and aero-  
nautics commission directors; advisory committee to oversee and  
monitor activities ..... HB 202 am

**Secretary of state**

- authority and responsibilities for legislative publications transferred .. HB 778
- foreign corporations to file corporate charter and record of organization SB 34
- requested to furnish official returns from senatorial districts ..... 14
- state agency reports, transferal to state library ..... HB 45
- to count votes in county elections ..... HB 270
- Secured transactions, termination statement filed with city clerk ..... HB 967
- Securities, investment, uniform commercial code, clearing corporations  
defined ..... HB 973

**Senate. See also: General court****chamber**

- available to legislators and press only ..... 2023
- refurbishing and repair, appropriation ..... HJR 5 am
- clerk. See: Clerk



**Senate — continued**

- committees. See: Committees
- employees, appointments ..... 18-19, 32
- history committee, appointments ..... 63
- journal. See: Journal
- legal counsel, office abolished ..... HB 778
- majority leader. See: Majority leader
- may originate revenue bills ..... CACR 21
- meeting out of town, announcements 8, 32-33, 63, 72, New Boston 73, Newport 99, letter of appreciation 121, Nashua 122, 155, Amherst 409, Dover 520, Laconia 607, Keene 695, Salem 767, Berlin 872, Manchester 963, Hampton 1074, Littleton 1158, Derry 1319, Northwood 1573
- meeting place, New Boston 101, Nashua 167, Newport 233, Portsmouth 283, Plymouth 339, Amherst 409, Dover 523, Laconia 607, Keene 699, Salem 767, Berlin 873, Manchester 964, Hampton 1075, Littleton 1158, Hanover 1240, Derry 1440, Northwood 1573, Durham 1703
- meeting time 13-14, 43, 46-47, 99, 1238, 1319
- members
  - breakfast meeting with governor at Bridges house ..... 47-48
  - mileage. See: Mileage, legislative
  - qualified ..... 1-2
- membership increased to 36; quorum increased to 19 ..... CACR 23
- minority leader. See: Minority leader
- president. See: President
- qualifications, age 25 ..... CACR 32
- researchers ..... 18-19, 32
- rules. See: Rules, Senate
- vice-president. See: Vice-president
- Senatorial courtesy, remarks by Sen. Porter 41, remarks by Sen. Spanos 42, remarks by Sen. Porter 131
- Senatorial districts, election returns referred to committee; report ..... 14-18
- Sentences**
  - increased for committing crime while armed ..... SB 9
  - life, assassination of public official or candidate ..... SB 10
- Sergeant-at-arms, Milo Cheney elected ..... 12
- Service corporations, banks, not limited to computer services ..... HB 327
- Service repairmen, identification required ..... HB 849
- Session laws, distribution by state library; advance sheets distributed by legislative services ..... HB 778
- Settlement laws, legal age lowered to 18 ..... SB 57  
HB 403

**Sewage disposal systems**

- construction
  - calculating state grants, interest and principal included ..... HB 900
  - violations, penalties increased ..... SB 156
  - false or erroneous data on plans submitted, responsibility for ..... HB 658 am
  - islands, statute repealed; subject covered elsewhere ..... HB 263
  - pretreatment standards of waste ..... HB 912
  - state guaranteed municipal bonds, aggregate sum increased ..... HB 1004
  - subdivision plans, filing exemption ..... HB 964
- Sewage treatment plants, public, environmental protection department opinion required before construction ..... SB 1
- Sewers, rental assessment to pay off capital debt authorized ..... HB 876
- Shepard, Alan B., state park (Derry), appropriation ..... SJR 19
- Sheriffs**
  - and deputies, Rockingham county, mileage allowance increased ..... HB 474
  - deputies, special, compensation from fees ..... SB 187
  - fixed salary, increased mileage payments ..... HB 179 am
  - Merrimack county, salary set by county convention ..... SB 187 am
- Ships. See: Boats**

See Numerical Index following for action on bills

Shore and beach preservation and development, annual report to governor and council included in public works and highways report .....	HB 297
Shorthand reporters, qualifications, age 18 .....	SB 57
	HB 403
Sire stakes program .....	HB 463
Site evaluation committee, electric power facilities and oil refineries, location of hearings .....	SB 149 am
Ski areas	
alcoholic beverages, license fees increased .....	HB 850
state owned, resident student discount to age 18 .....	SB 57
	HB 403
tows, wire rope, definition and conduct of skiers .....	HB 226
Ski championship world cup, 1975, Cannon Mt., appropriation .....	HJR 37
Skinner, Pat, letter re Morton Webber .....	387
Slaughterhouses and processing plants, to pay cost of meat inspection after regular business hours .....	HB 33 am
Small business month in N.H. ....	1170-1171
Small claims, entry fees for municipality where court is located .....	HB 690
Smelt, fresh water	
from out of state, sale of .....	SB 211
taking by bait dealers during closed season repealed .....	HB 113
taking by certain disabled persons on certain lakes .....	SB 225
Smith, Sen. Roger, appointed assistant majority leader 14; appointed to advisory committee on state salaries 63; appointed to conference on New England board of higher education 582, appointed to advisory committee to study salaries of state officers and employees 2585	
Smith, Sen. Stephen W., remarks re teachers on strike 551-552; remarks on committee of the whole 1735-1736	
Snow farming, parks division employees, time and a half for overtime, appropriation .....	HB 512
Snow traveling vehicles. See: Off highway recreational vehicles	
Social Security Act, Reed Act funds, unemployment compensation benefits, appropriation .....	HB 1009
Social security increase, petitioning congress that welfare assistance and veterans' pensions not be reduced .....	SCR 3
Soldiers' home, name changed to veterans' home .....	HB 47
Soliciting rides when not in paved portion of highway permitted .....	HB 1037
Solid waste	
committee to prepare complete disposal plan .....	HB 151 ND
disposal, recycling centers, regional cooperative agreements .....	HB 150 ND am
Somersworth, city of	
council, salaries increased; referendum .....	HB 875
police commission abolished, chief appointed by mayor; referendum .....	HB 1051
school board members, 4 elected at large, 5 from wards; referendum .....	HB 1051
ward lines changed; referendum .....	HB 940
Sovereign immunity, limited; actions maintained against state and municipalities to minimum required limits of automobile liability insurance .....	SB 21
Spanos, Sen. Harry V., nominated president 3-4, elected vice-president 27-28, Nicaragua earthquake 45-46, governor's inaugural address 65-69, John Durkin 122-124, Newport citizen of the year 207, Rodriguez case 552-553, constitutional amendment proposals 604-605, shield law 634-635, shield law and senate meetings out of town 695-697, supreme court decision on governor's tax search 868-872, birthday 1125, on SB 222 1405-1406, no-fault 1668, daughter-in-law at UNH 1699-1700	
Spark arrestors, may be used on motorized equipment in woodlands without snowcover .....	HB 199 am
Spaulding turnpike. See: Eastern N.H. turnpike	
Spillage of gravel, sand, etc. from vehicles, loads to be covered, exceptions .....	HB 193 am
Sporting events, betting cards, sale by sweepstakes commission .....	SB 69
Squires, J. Duane, chairman bicentennial commission, report .....	845-849

- Stallions, running at large, penalty ..... HB 89
- Standardbred breeders and owners development agency ..... HB 463
- State agencies, departments, and institutions. See also distinctive word in name, as: Health and Welfare department
- appropriations exceeding 10% of previous budget require  $\frac{2}{3}$  vote in each house ..... CACR 5
- confidentiality of records, study ..... SJR 17
- field purchases, limit increased ..... SB 175
- land acquisition, centralized procedure ..... HB 508
- reports
- of financial status prepared annually by director of accounts ..... SB 11 am
- standardization ..... HB 297
- transferral from secretary of state to state library ..... HB 45
- rules, filing with and publication by legislative services; prior notice of adoption ..... HB 503 am
- terms of office, statutory construction; exceptions ..... HB 532 am
- State employees
- bonding of ..... HB 520
- deferred compensation plan ..... HB 857
- insurance, hospital and medical, paid by state ..... HB 433
- law enforcement, workweek reduced; compensation increased ..... SB 67
- mileage increased to 10¢ ..... HB 300 am
- part-time work, definition; compensation for accumulated annual leave ..... HB 993
- salaries
- advisory committee member appointed ..... 63, 2585
- increased ..... HB 509
- increased for certification or eligibility for certification in medicine or dentistry ..... HB 266
- increased, 4% first year; grades reduced; overtime pay and compensatory time ..... HB 923
- suspended, right of appeal not limited ..... SB 236
- total disability, work connected injury, full pay for one year ..... HB 765
- unclassified. See: State officials
- workmen's compensation
- administration ..... SB 61 am
- claims paid from special funds ..... HB 800
- State employees' retirement system. See also: Retirement system, N.H.; Teachers' retirement system
- additional allowances, retirement before January 1, 1968 ..... HB 418
- average final compensation based on highest 3 years of service; assessment for financing ..... HB 409
- cost of living increase ..... SB 100 am
- ordinary death benefit ..... HB 433 am
- State funds, invested in certificates of deposit of national banks in N.H. or Massachusetts ..... HB 560
- State library
- control of entire building ..... HB 654
- designation of public document depositories ..... HB 297
- distribution, sale, and storage of session laws ..... HB 778
- state agency reports, transferral from secretary of state ..... HB 45
- State officials
- bonding of ..... HB 520
- mileage increased to 10¢ ..... HB 300 am
- salaries increased ..... HB 509 am
- for certification or eligibility for certification in medicine or dentistry ..... HB 266
- positions grouped ..... HB 923
- terms of office, vacancy filled for unexpired portion ..... HB 532
- State papers, distribution to public libraries on request ..... HB 297
- State police
- cars, mandatory marking ..... HB 725
- director, address by Col. Paul Doyon ..... 833-843
- employment on days off in emergencies ..... SB 229
- travel expenses, per diem paid monthly ..... SB 70

See Numerical Index following for action on bills

**State prison**

furlough system, study; indemnification of personnel from claims by inmates .....	HJR 47 am
legislative study committee, members appointed .....	1238
officers, transfer to N.H. retirement system, group II .....	SB 191
Senate study committee, appointments .....	583
warden .....	
address by Joseph Vitek .....	908-915
and deputy, maintenance abolished, salary increased .....	HB 505

**State song**

additional verse by Henry Butler .....	SB 12
third .....	HB 988

**State treasurer. See: Treasurer, state**

<b>Status of women commission, members, compensation</b> .....	SB 165 am
--	-----------

**Statute of limitations. See: Limitation of actions****Statutes, RSA**

corrections re gambling .....	HB 56
distribution to include standing committees .....	HB 527 am
penal, revised to conform with criminal code .....	HB 608
HB 609	
HB 610	
HB 611	
HB 1015	
pocket supplements for 1975 .....	HB 484
recompilation of volumes 5 and 6 .....	HB 527
republishing of volume 3-A .....	HB 483
transfer of certain chapters of title LVIII to conform to the criminal code .....	HB 703

<b>Statutory construction, terms of appointment; exceptions</b> .....	HB 532 am
---	-----------

<b>Sterilization of epileptics in state or county institutions, abolished</b> .....	HB 391
---	--------

**Stocks and bonds. See: Bonds****Strafford school district, area contract with Rochester may be amended**

to include only grades 9-12 .....	HB 498
-----------------------------------	--------

<b>Straight ticket voting abolished</b> .....	SB 27
---	-------

<b>Street sales, licensing</b> .....	HB 784 am
--------------------------------------	-----------

**Strikes**

public employees, enforcement of prohibition .....	HB 889 am
teachers, enforcement of prohibition .....	HB 889

**Students. See also: University of N.H.**

veterans' orphans, scholarships for, Southeast Asian conflict included .....	HB 601
--	--------

**Study commissions, committees, and assignments. See also: General court,**

    fiscal committee; Judicial council, studies

access to public buildings by handicapped, laws .....	HJR 45
administrative procedure act .....	HJR 32
airport financing .....	HB 799 am
architecture, practice of .....	HB 844
barbers and hairdressers, blood test requirements .....	SB 127
bridges on class II highways .....	SB 85
carnival amusement safety board .....	HB 1038
city charters, initiative petition for amendments .....	SB 177
confidentiality of records of state agencies .....	SJR 17
constitutional revision .....	HB 376
county .....	
charters, local option .....	SB 262
commissioners, employment of legal counsel .....	HB 828
conventions, employment of legal counsel .....	HB 893
day care rules and regulations .....	HB 678 am
district courts, distribution of fees .....	SB 40
dog racing licenses, limitation on issuance .....	SB 183
electricians, licensing standards .....	SB 184
employee welfare, pension and profit-sharing retirement funds .....	SB 243
environmental .....	
laws, codification .....	SB 228
protection department .....	SB 1



## Study commissions, committees, and assignments — continued

food service establishments, regulations .....	HB 477
Franklin Pierce Law Center .....	SB 113
gasoline and fuel oil, transporting .....	SB 121
health service organizations .....	SB 217
hospital rate increases, approval of state commission .....	SB 166
hospital service corporations, regulatory powers of insurance commis- sioner increased .....	SB 188
ice cream, sale by weight .....	HB 603
insurance	
automobile and fire, promptness in payment of claims .....	SB 185
commissioner, regulatory powers increased re life, accident, and health insurance .....	SB 186
rating organizations, regulation of .....	SB 204
Korean war, termination date changed .....	SB 174
law enforcement and criminal justice improvements .....	SCR 8
legislative ethics .....	SB 14
legislative facilities committee .....	HB 810
motor boat restrictions on Big Pea Porridge Pond (Madison) .....	HB 970
motor vehicles	
liability insurance, unfair practices, regulations .....	SB 190
no-fault insurance .....	SB 219
special plates for judges .....	SB 167
special plates for news media .....	SB 86
Mt. Sunapee state park, snow-making system .....	SB 114
New England power pool, participation .....	SB 181
N.H. retirement system .....	SB 212
certain prison employees transferred to .....	SB 191
Newmarket school district, withdrawal from supervisory union no. 14. .....	SB 126
office space study committee continued .....	HB 1047
open space land .....	HB 504
outdoor advertising	
commercial and industrial areas .....	SB 199
license required for all devices .....	SB 192
permit fees increased .....	SB 193
population growth, economic, social, and environmental effects of .....	SJR 1
probate courts, jurisdiction over domestic relations .....	SB 83
probation amendments .....	HB 981
public utilities, quality service required .....	SB 263
recommendations of Arthur D. Little report .....	HB 923 am
right to know law extended to employment security department .....	HB 826
sewage disposal systems, erroneous data .....	HB 658 am
sire stakes program .....	HB 463
solid waste disposal plan .....	HB 151 ND
sovereign immunity limitations, motor vehicles .....	SB 21
state prison	
appointments .....	582-583
furlough system .....	HJR 47
timber yield tax .....	SJR 15
town trust funds .....	SB 72
transportation of pupils .....	HB 823
unemployment in N.H. .....	HJR 48
uniform motor vehicle laws .....	SJR 13
uniform probate code .....	HJR 49
university of N.H. system .....	HB 455
Vietnam war service of N.H. residents recognized .....	SB 5
water supply and pollution control commission .....	HJR 44
workmen's compensation adjusted total benefits .....	HB 1027 am

## Subdivision

development, standard application and procedures, approval by en- vironmental protection department .....	SB 1
plans	
and specifications, filing exemptions .....	HB 964

See Numerical Index following for action on bills



**Subdivision — continued**

## plans — continued

approval by water supply and pollution control commission prior to any alteration of land .....	HB 73
flood hazard areas, water resources board approval .....	SB 47
sewage disposal regulations, violations, penalty increased .....	SB 156
regulations, planning boards to include consideration for schools and fire departments .....	HB 140

**Summary judgments**

motions for, district courts authorized .....	SB 50
scope expanded .....	SB 220

<b>Sunapee</b> , town of, water and sewer commissions combined .....	SB 195
--	--------

**Sunday**

horse racing, special rates on pari-mutuel pools repealed .....	HB 618
sales and activities, regulated in towns over 10,000 .....	SB 239

**Superior court**

## appeals

and jury trial in disputed probate cases .....	SB 22
from district and municipal courts in criminal cases repealed .....	SB 7
from suspension or dismissal by police chiefs .....	HB 898
civil suits, jury verdicts by 9 of 12 jurors .....	CACR 7
clerk, duties re counting votes in county elections transferred to secretary of state .....	HB 270

## determination of

good cause for nonsupport of relatives .....	HB 342
liability for costs in domestic relations actions .....	HB 446

incompetency, jury trials for determination may be demanded .....	SB 77
---	-------

jury trials on appeals for violations prohibited .....	SB 23
--	-------

justices, number based on current population divided by 40,000 .....	HB 898
--	--------

may authorize bank commissioner to appoint Federal Deposit Insurance Corporation as liquidating agent of insolvent banks .....	SB 214
--	--------

misdemeanors, 6 member jury .....	HB 78
-----------------------------------	-------

rates set by, for counsel representing indigent claimants to unemployment compensation .....	HB 653
--	--------

recording devices permitted .....	HB 636 am
-----------------------------------	-----------

summary judgments, scope expanded .....	HB 975
---	--------

termination of charitable trusts, limitation .....	SB 220
--	--------

voluntary arbitration of disputes .....	HB 651
---	--------

voluntary arbitration of disputes .....	HB 652
---	--------

**Support**

children, payments deducted from salary or wages, not subject to attachment limitations .....	HB 230 am
---	-----------

liability of parent for handicapped child, age lowered to 18 .....	SB 57
--	-------

relatives, liability	
----------------------	--

court determination of good cause for noncompliance .....	HB 342
limited for educational expenses .....	HB 446

limited for educational expenses .....	HB 809
--	--------

**Supreme court**

## appeals

by state or defendant in motor vehicle habitual offender cases .....	HB 438
from decisions of environmental protection department .....	SB 1

from decisions of tax commission in abatement cases .....	HB 48 am
---	----------

from municipal and district courts in criminal cases .....	SB 7
--	------

from probate court commitment orders .....	HB 539
--	--------

from probate court; exception .....	HB 872
-------------------------------------	--------

chief justice Frank Kenison invited to address joint convention .....	HCR 2
---	-------

determination of monetary level for right to trial by jury in civil cases .....	CACR 12
---	---------

July session added; briefs required .....	HB 654 am
---	-----------

opinion requested	
-------------------	--

adopting the uniform management of institutional funds act .....	SB 75
--	-------

permitting the Lord's prayer and pledge of allegiance in public schools .....	HB 639
---	--------

reporter, distribution of N.H. reports .....	HB 35
--	-------

**Surveyors**

indemnification agreements with owners or contractors re negligence  
prohibited ..... HB 805  
land

registration board, biennial report to governor and council ..... HB 297

rules of professional conduct, adoption by board of registration ..... HB 393

**Surviving spouse**, passage of testate and intestate real and personal  
property to ..... HB 54 am

**Sutton**, town of, meeting legalized ..... HB 1016

**Sweepstakes**

commission

executive director, Edward Powers, address ..... 1191-1197

regulation of sale of lucky seven tickets ..... HB 478 am

sale of betting cards at sporting events ..... SB 69

funds, date of distribution; payment to nonpublic schools deleted ..... HB 341

tickets, sale at designated locations; incentive award to seller of win-  
ning ticket ..... HB 218 am

**T**

**Tapes**, unauthorized copying for sale, prohibited ..... HB 566

**Tax collectors**

compensation may be determined by town meeting in lieu of statu-  
tory fees ..... HB 750

town clerks, offices may be combined whether or not coterminous ..... HB 777

**Tax commission**

abatement, orders filed in superior court ..... HB 48 am

current use advisory board ..... HB 307

office space, additional appropriation ..... SJR 9

replaced by revenue administration department and taxation board ..... HB 818

**Tax commissioner**, William Maynard, discussion ..... 1327-1328

**Tax liens**

legacy and succession, 20 year statute of limitations ..... SB 118 am

mobile homes, time extended ..... HB 686

on real estate for aged in lieu of full tax payment ..... HB 661

**Tax maps**, towns and cities may establish capital reserve funds for ..... HB 194

**Taxation board**, to replace tax commission judicial functions ..... HB 818

**Taxes**

abatement, towns may request hearing before tax commission; orders

filed in superior court; appeals to supreme court ..... HB 48 am

anticipation notes, procedures for approving bonds in excess of  
\$100,000 not applicable ..... HB 169

appraisal of property, separate listing of homestead residence ..... SB 30

assessors, election in towns, population requirement

eliminated ..... HB 531

reduced ..... SB 91

business profits

confidentiality of records, disclosure limited ..... HB 309

deductions, proprietorships and partnerships ..... HB 254

exemptions from filing returns; late filing fees discretionary ..... HB 141

optional method of payment by seasonal businesses ..... HB 624 am

capital gains from timber cutting, petitioning congress to retain pres-  
ent method ..... SCR 2

collection, semi-annual, method of computing payment changed ..... HB 195

escrow fund on certain savings bank mortgage loans, requirement  
eliminated ..... HB 637 am

exemptions

blind, determination of term by blind services department ..... SB 223 am

blind, increased ..... HB 901

elderly, age 70, increased ..... SB 2

elderly, filing date extended for 1973 ..... SB 122

elderly, 5 year residency requirement eliminated ..... SB 55

elderly, names not published ..... HB 304

See Numerical Index following for action on bills

**Taxes — continued**

## exemptions — continued

elderly, partial at age 65 to total exemptions at age 80 .....	SB 2 am
.....	HB 293 am
elderly, stabilization of property tax on residential property .....	SB 25
elderly, state reimbursement to cities and towns .....	SJR 12
homeowners, local option .....	HB 869
insurance premiums, voluntary non-profit health service corporations .....	SB 217
state and municipal property leased for profit making purposes not exempt .....	HB 776
veterans, disabled, homestead .....	SB 92
forest and farm land, appraisal based on current use extended .....	HB 941
income, interest and dividends	
additional exemption at age 65 .....	HB 422 am
exemption increased at age 65 .....	SB 246
exemption of dividends from bank holding companies .....	HB 557
inheritance, foster children exemption provisions .....	SB 153
insurance premium, increased amount to firemen's relief fund .....	HB 284
inventory of polls and property, census and homestead assessed value included .....	HB 349 am
land use change, 10% of assessed value .....	HB 307
lucky seven tickets, sweepstakes commission fund .....	HB 478 am
open space land .....	HB 307
payments by mortgagors to banks to earn interest .....	HB 637
payments in lieu of	
housing commission, on low rent housing projects .....	HB 470 am
Pittsburg and Clarksville for Murphy dam on Lake Francis .....	HJR 12
proportional provision eliminated from constitution .....	CACR 34
railroads, abatement or partial payment .....	HB 920 am
reassessments, time of taking effect, discretion of tax commission .....	HB 942
resident	
armed forces members exempt, certifying deadline repealed .....	HB 121
18 year olds liable .....	SB 57
.....	HB 403
retained by cities and towns .....	HB 206 am
revenue returned to cities and towns included in debt limit during transition of adopting optional fiscal year .....	HB 693
timber, study .....	SJR 15

**Teachers**

collective bargaining; enforcement of strike prohibition .....	HB 889
competence fund, transfer of certain accumulated income .....	HJR 20
learning disabilities specialists, employment permitted in school districts .....	HB 255 am

**Teachers' retirement system. See also: Retirement system, N.H.**

average final compensation based on highest 3 years of service; assessment for financing .....	HB 409
cost of living	
allowances, retirement before July 1, 1957 .....	HB 451
increase .....	SB 100
merged into N.H. retirement system .....	SB 111
ordinary death benefits .....	HB 433 am

**Technical institute (Concord) women's dormitory, debt service and maintenance, method of debt payment .....**

HB 315 am

**Tenant. See: Landlord and tenant**

Tentas, Costas S., liquor commissioner, address and discussions .....

586-602

Territorial waters extended 200 miles .....

HB 714 am

for protection of clams .....

HB 286

Texaco gasoline storage facilities, purchase by state .....

SJR 18

Theaters, minors under 14 must be accompanied by person 18 or over

after sunset or during school hours .....

SB 57

HB 403

Thomson, Meldrim, Jr. See: Governor

Tidal waters, violation of water resources board order, penalty .....

HB 966

**Timber**

## cutting

- adjacent to public waters and highways, penalty; disposal of slash and mill waste ..... SB 36
- capital gains treatment of income, petitioning congress to retain present method ..... SCR 2
- securing loads while transporting ..... SB 24
- yield tax, study ..... SJR 15

**Tires**

- defective, listed on defective equipment tag ..... HB 819 am
- spare, subject to inspection standards; exception ..... SB 65

**Toilets. See: Privies****Town clerk**

- absentee registration forms available from ..... HB 106 am
- compensation may be determined by town meeting in lieu of statutory fees ..... HB 749
- distribution of list of family planning services with marriage certificates ..... HB 95
- registration of voters ..... HB 205
- tax collector, offices may be combined whether or not coterminous ..... HB 777
- vital statistics records, fees increased ..... HB 629

**Town managers, membership in N.H. retirement system voluntary ..... HB 751****Town meeting, 2nd Tuesday in March except in presidential primary year ..... HB 746****Town treasurer, investment of surplus funds ..... HB 959****Towns**

- aged, municipal program administered by non-profit corporations .... HB 760
- assessors, election of, population requirement
  - eliminated ..... HB 531
  - reduced ..... SB 91
- bonds and notes in excess of \$100,000, procedure for approving ..... HB 169
- reconsideration, 7 days delay ..... HB 485 am
- bridge inspection, prerequisite for state aid ..... HB 32
- budget committees
  - consent not required for transfers of surplus funds up to \$5,000 ..... HB 684
  - required to meet periodically ..... HB 622 am
- capital reserve funds for reappraisal of real estate or tax mapping ..... HB 194
- cemeteries, gifts and legacies valid for no more than 40 years ..... SB 72
- district courts
  - distribution of fines ..... SB 40
  - facilities, reimbursement for maintenance increased ..... HB 246
- election. See: Elections
- eminent domain, relocation assistance authorized when necessary to qualify for federal funds ..... HB 338
- employees. See: Public employees
- fire laws, conformity with code of life safety ..... HB 261
- fiscal year, optional
  - adoption method ..... HB 874 am
  - debt limit during transition ..... HB 693
- flood hazard ordinances, water resources board approval ..... SB 47
- historic districts, procedure for abolishing ..... HB 414
- meetings. See: Town meeting
- officers
  - indemnification and insurance for damages ..... SB 130
  - indemnification and liability insurance ..... HB 755 am
  - terms to begin on April 1st and June 1st ..... HB 479
- outdoor advertising, regulatory ordinances and fees for permits ..... SB 194
- parking facilities
  - annual rates ..... SB 210
  - free to certain persons upon approval by town meeting ..... SB 209
- pauper relief, guidelines and standards ..... SB 216
- pensions increased for part time or special police and firemen ..... HB 171

See Numerical Index following for action on bills



**Towns — continued**

- planning board members
    - may be elected ..... **HB 203**
    - may serve on other boards and commissions ..... **HB 117 am**
    - two may serve on other boards and commissions ..... **HB 664 am**
  - police chiefs, powers; suspension, appeal to superior court ..... **HB 898**
  - reimbursement for revenue lost due to property tax exemptions ..... **SJR 12**
  - reserve funds authorized in anticipation of new fiscal year ..... **HB 449**
  - scenic preservation of roads, petition by landowners; road agent may clear obstructions ..... **SB 56**
  - selectmen, motion for rehearing before zoning boards of adjustment ..... **HB 965**
  - Sunday sales and activities regulated in towns over 10,000 ..... **SB 239**
  - tax collector. See: Tax collectors
  - taxes. See: Taxes
  - temporary loans, reduction of principal ..... **HB 635**
  - trust funds, investments in stocks and bonds may be retained after removal from legal list ..... **SB 72**
  - water pollution control, state financial assistance for preliminary expenses ..... **SB 4**
  - zoning boards of adjustment
    - alternate members ..... **HB 96 am**
    - optional election of members ..... **HB 431**
    - public hearings on appeals, abutters notified by certified mail ..... **HB 348 am**
    - zoning ordinances, emergency temporary ..... **HB 851**
- Townsend, Howard C.**, commissioner of agriculture, address 258-263, certificate of commendation 1244-1245

**Trailers.** See: Mobile homes; Motor vehicles, trailers

**Trails**

- bicycles, along highways ..... **HB 299**
- off highway recreational vehicles ..... **HB 10**
- statewide system ..... **HB 657 am**

**Tramways.** See: Passenger tramways

**Transplants, kidney, children with chronic kidney disease** ..... **HB 390**

**Transportation**

- analysis, position established in public utilities commission ..... **HB 20 am**
  - authority ..... **HB 1028**
- Traps, fur bearing animals, restrictions on certain types** ..... **HB 398**

**Treasurer, state**

- address and discussion by Robert Flanders ..... 1367-1372
- bond to include trust funds of N.H. retirement system ..... **SB 245**
- borrowing in anticipation of insufficient funds; bank to maintain accounting of bonds and coupons ..... **HB 458**
- funds invested in certificates of deposit of national banks in N.H. or Mass. .... **HB 560**
- monthly report from out-of-state banks on municipal deposits ..... **HB 959**
- not liable for errors in checks prepared by data processing ..... **SB 245**
- summary fiscal report prepared annually ..... **SB 11**

**Trees.** See: Timber

**Trespass, notice for off highway recreational vehicles may be designated symbol** ..... **HB 10**

**Trials, jury.** See: Jury trials

**Trowbridge, Sen. C. R.**, appointed chairman of finance committee 29, appointed to legislative space committee 93, federal budget 207, remarks on capital budget 503-507, finance committee report and discussion 565-575, White House report 685-689, finance committee report 942-944, rules for finance bills 1610, remarks on appropriation bill 1672-1673

**Trucks.** See: Motor vehicle, trucks

**Truman, Bess L.**, letter of appreciation ..... 208

**Trust companies**

- fiduciary, securities deposited in central or regional depository ..... **SB 189**
- hearings prior to incorporation upon request or at discretion of board ..... **HB 62 am**



**Trust companies — continued**

- loans
  - limit on real estate mortgages in New England, increased ..... HB 160
  - to officers, same terms as to others ..... HB 250
- mortgages, service charge
  - and prepayment penalty prohibited ..... HB 289 am
  - levied against seller prohibited ..... HB 289
- petition of corporation, examination fee ..... HB 417
- Trust funds, retention of investments after removal from legal list** ..... SB 72
- Trustee process, constitutional due process limitations** ..... SB 268
- Trusts**
  - charitable, termination by superior court, limitations ..... HB 651
  - testamentary probate judges, power to interpret and construct ..... HB 871
- Tufts University, dental education, N.H. residents, tuition loan program** SB 248
- Turkeys, wild, private propagation, permit required** ..... HB 125 am
- Turnpikes. See: Central N.H. turnpike; Eastern N.H. turnpike; Highways, toll**

**U**

- Underwater activities, inland waters, diver's flag required; penalty** .... HB 292 am
- Unemployment compensation**
  - advisory council and appeal tribunal, per diem increased; time of filing appeals ..... HB 798 am
  - appeals to superior court of employment security decision, filing time increased ..... SB 45
  - benefits
    - increased ..... HB 798
    - Reed Act funds, appropriation ..... HB 1009
  - dependent, to age 18 ..... SB 57
  - general court officials and employees, provisions ..... HB 403
  - indigent claimant appealing adverse ruling, rates for counsel set by superior court ..... HB 778
  - parents of minors to age 15 need not accept third shift employment ..... HB 636 am
  - real estate brokers and salesmen, commisisoned, services by, not considered employment ..... HB 862 am
- Unemployment in N.H., study** ..... HJR 48
- Unfair insurance practices, motor vehicles, regulations** ..... SB 190
- Unfair trade practices, motor vehicle manufacturers and dealers, prohibitions** ..... SB 178
- Uniform acts**
  - gifts to minors
    - adult must be 21 ..... HB 716 am
    - 18 year olds may make gifts to minors ..... SB 57
  - management of institutional funds ..... HB 403
  - partnership act ..... SB 75
- Uniform commercial code**
  - holder in due course, obligations in consumer credit sales ..... HB 716
  - investment securities, clearing corporation defined ..... HB 644
  - republication of RSA 3-A ..... HB 973
  - secured transactions, termination statement filed with city clerk ..... HB 483
- Uniform probate code, study** ..... HB 967
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, compliance with** ..... HJR 49
- Uniform vehicle laws, study** ..... HB 338
- Unions. See: Labor unions** ..... SJR 13
- Unitarian-Universalist churches of Portsmouth and Dover, consolidation** SB 201
- United Methodist Church, annual conference, trustees, powers and authority increased** ..... HB 556

See Numerical Index following for action on bills

**United States**

constitution, requesting congress to call a convention re voluntary prayer in public schools .....	HCR 6 am
flag displayed at polling places .....	HB 707
USS Constitution, transfer to Portsmouth naval shipyard .....	HCR 17
<b>University of N.H.</b>	
cooperative extension work, appropriation .....	HB 310
nonresident students, classification regulated by trustees; exchange agreements with other states .....	HB 617
purchasing through the purchase and property division .....	SB 26
system, permanent study committee .....	HB 455
trustees, annual report to governor and council .....	HB 297
veterinary medical education for N.H. residents at any accredited school, authority .....	HB 640
Unsolicited merchandise, replacements or substitutes for original orders, not included .....	HB 773
Upton, Richard, remarks on offshore jurisdiction of the state (HB 714) 1407-1409	
Utilities. See: Public utilities	

**V**

Valenti, Charles and Catherine, reimbursement for salt damage to water supply .....	SJR 22
<b>Venereal disease</b>	
education, public schools .....	HB 905
minors, treatment without parental consent, age limitation removed .....	HB 943
Vermont loan to Lebanon airport, repayment .....	HB 102
<b>Veterans</b>	
disabled	
totally and permanently, homestead tax exemption .....	SB 92
totally, perpetual fish and game licenses .....	HB 842
unemployable, certain motor vehicle privileges free .....	HB 865
unemployable, free parking .....	SB 209 am
national service life insurance .....	SCR 4
pensions, petitioning congress that they not be reduced because of social security increase .....	SCR 3
scholarships for orphans of, Southeast Asian conflict included .....	HB 601
Vietnam bonus .....	SB 5
Veterans Day. See: Holidays	
Veterans' home, name changed from soldiers' home .....	HB 47
<b>Veterinary medicine</b>	
education at any accredited school for qualified N.H. residents .....	HB 640
qualifications, age 18 .....	SB 57
	HB 403
<b>Vetoes. See: Governor, vetoes</b>	
Vice-president, Sen. Harry Spanos, elected .....	27-28
<b>Vietnam war</b>	
commending Pres. Nixon for effort in bringing to an end .....	HCR 10
honoring prisoners of war .....	HCR 14
setting Feb. 1, 1955 as starting date, memorializing congress .....	HCR 3
veterans bonus .....	SB 5
<b>Village districts</b>	
fire laws conformity with code of life safety .....	HB 261
may be formed for impounding waters; contract with water resources board for dam maintenance .....	HB 506 am
officers, indemnification	
and insurance for damages .....	SB 130
and liability insurance .....	HB 755 am
Vital statistics, fees increased .....	HB 629
Vitek, Joseph, warden of state prison, address .....	908-915
Vocational education, regional programs .....	HB 730
Voting. See: Elections	

**W**

Wages. See: Minimum wage
--------------------------

- Ward, Rev. John, guest chaplain** ..... 409-410  
**Warden and deputy, state prison, maintenance abolished, salary in-  
 creased** ..... HB 505  
**Warren, town of, meeting legalized** ..... HB 161  
**Wars. See: Armed forces; Vietnam war**  
**Waste disposal. See: Solid waste**  
**Water companies, non-municipal, regulated by public utilities com-  
 mission** ..... HB 836  
**Water pollution control. See also: Sewage disposal systems; Water sup-  
 ply and pollution control commission; Waters**  
   actions against polluters  
     by individuals, corporations, municipalities ..... SB 96  
     on petition of 10 residents ..... SB 108  
   compliance with federal requirements ..... HB 912  
   New England interstate commission, alternate members ..... HB 335  
   prefinancing by state, special fund for reimbursements ..... HB 793  
   state  
     financial assistance to cities and towns for preliminary expenses ..... SB 4  
     guaranteed municipal bonds, aggregate sum increased ..... HB 1004  
**Water resources board**  
   Connecticut River erosion project in Charlestown, appropriation ..... HJR 8  
   dam acquisition  
     Avery (Laconia) ..... HB 919  
     Kelley Falls (Manchester) ..... HB 123  
     Newfound Lake (Bristol) ..... HB 283  
   flood hazard area management ..... SB 47  
   office space, additional appropriation ..... SJR 9  
   report ..... 1507-1511  
   special board  
     appropriation ..... HJR 10  
     transferred to environmental protection department ..... SB 1 am  
   tidal waters, violation of orders, penalty ..... HB 966  
   water impounding, village districts may contract with for dam main-  
     tenance ..... HB 506 am  
**Water supply and pollution control commission**  
   algae control, appropriation ..... SB 159  
   annual report to governor and council ..... HB 297  
   approval of privies may be required ..... HB 397 am  
   authority increased to insure compliance with federal requirements ..... HB 912  
   director, member of pesticides control board, pesticides surveillance  
     scientist may substitute ..... HB 583  
   Littleton standby hydraulic pumping unit, approval required ..... HB 668 am  
   program ..... 1511-1515  
   public health services director may designate alternate ..... HB 1020  
   sewage disposal noncompliance, penalty increased ..... SB 156  
   study ..... HJR 44 am  
   subdivision plans  
     and specifications, filing exemptions ..... HB 964  
     approval prior to any alteration of land ..... HB 73  
**Waters**  
   classification  
     Blackwater River and tributaries ..... HB 384  
     Nubanusit Brook (Harrisville) ..... HB 803  
   impoundment by village districts ..... HB 506 am  
   public, use of heating or agitating devices regulated; registration  
     required ..... HB 43 am  
   tidal, violation of water resources board order, penalty ..... HB 966  
**Weapons. See: Firearms**  
**Weeks, Ernest W., retirement credit** ..... SJR 16 am  
**Weights and measures**  
   bureau, additional appropriation ..... HJR 2  
   ice cream, sale by weight ..... HB 603  
   registration of servicemen compulsory ..... HB 68  
   sealers in cities under 35,000, position eliminated ..... HB 68  
     See also Subject Index preceding this index

<b>Welfare.</b> See also: Children; Disabled; Handicapped; Health and welfare; Medical assistance; Old age assistance	
assistance, petitioning congress that it not be reduced because of social security increase	SCR 3
director	
or representative, inspection of homes for dependent and neglected children	HB 441
term of office, new term to start with new appointment	HB 532 am
division	
adoption procedures	HB 673
application of day care rules, study	HB 678 am
child care agency personnel, health certificates, additional examina- tions when necessary	HB 896
child services, confidentiality of records; list of names	HB 578
public assistance	
citizenship requirement for eligibility repealed; reimbursement to state by county or town	HB 429
recovery of medical expenses	HB 986
recipients	
court determination of good cause for nonsupport by relatives	HB 446
misuse of special circumstance grants, penalty	HB 598
report of assets; consent of welfare director before sale of assets; fraudulent receipt of assistance, penalty	HB 708
<b>Whitaker, Robert</b> , public works and highways commissioner, address and discussion	1103-1109
<b>White, Lois</b> , letter of appreciation	1125
<b>White, Wilmont S.</b> , elected clerk	9-10
<b>Whitefield</b> , highway reclassified	HB 362
<b>Wildlife</b> , imported, exceptions to permit requirement	SB 150
<b>Willard Pond (Antrim)</b> , petroleum powered motor boats prohibited	HB 671 am
<b>Wills.</b> See also: Descent and distribution	
probate, heirs at law to third degree notified of solvent estate; jury trials and appeals in superior court	SB 22
probate judges, power to interpret and construct	HB 871
<b>Wine</b> , sale by manufacturer, special license	HB 866
<b>Winnepesaukee River basin</b> pollution control, appropriation increased	HB 582
<b>Witness fees</b> , law enforcement officers off duty, increased	SB 265
<b>Wolfeboro</b> , town of, meeting legalized	HB 859
<b>Women</b>	
commission on status, members	
compensation	SB 165 am
three year terms	SB 260
pregnant, unemployment compensation discrimination provisions re- pealed	HB 798
<b>Wood products</b> , means of securing on motor vehicles	SB 24
<b>Woodlands.</b> See also: Forests	
defined for forest fire control purposes	HB 389 am
<b>Work incentive program</b> , participation authorized for employment se- curity dept., repealed	HB 798 am
<b>Workmen's compensation</b>	
adjusted total benefits	HB 1027 am
ambulance service, unpaid volunteers, coverage	HB 4
appeals, counsel fees included in lump sum payments	HB 271
coverage for persons who assist in fighting fires	SB 51 am
dependent, to age 18	SB 57
	HB 403
firemen, heart or lung disease presumed occupationally related	HB 269
state employees	
claims paid from special funds	HB 800
review commission	SB 61 am
<b>Writs</b>	
content to include information on attachments	SB 213
district courts, fees increased	HB 887
replevin	SB 247

- Wrongful death, limitation on recovery by dependent abolished ..... HB 364 am  
Wyman, Louis, U.S. congressman, letter re social security increase 483;  
    captial gains on income in cutting and disposal of timber 746

## Y

- Youth. See also: Children  
    development center, name changed from industrial school ..... HB 52

## Z

- Zeiller, Gerard J., commissioner of health and welfare, address ..... 639-643  
Zoning  
    boards of adjustment  
        alternate members ..... HB 96  
        motion for rehearing by selectmen ..... HB 965  
        optional election of members ..... HB 431  
        public hearings on appeals, abutters notified by certified mail .. HB 348 am  
    emergency temporary ordinance ..... HB 851  
    regulations  
        applicable to all governmental agencies ..... HB 142 am  
        changes, protest petitions ..... HB 142 am  
        racing classified as industry ..... HB 1040



## SENATE JOURNAL

### NUMERICAL INDEX

This index arranged by bill and resolution number, gives page numbers for all action in the Senate on each numbered bill and resolution. They are listed in the following order:

<b>SB</b>	Senate Bills
<b>SJR</b>	Senate Joint Resolutions
<b>SCR</b>	Senate Concurrent Resolutions
<b>HB</b>	House Bills
<b>HJR</b>	House Joint Resolutions
<b>HCR</b>	House Concurrent Resolutions
<b>CACR</b>	Constitutional Amendment Concurrent Resolutions

To find a bill by its subject, see the Subject Index immediately preceding this Numerical Index.

All matters not contained in bills or resolutions will be found in the Subject Index.

The abbreviations listed below are used in the Numerical Index:

<b>adop</b>	adopted
<b>am</b>	amended, amendment
<b>conf</b>	conference committee
<b>com</b>	committee
<b>conc</b>	concurred
<b>enr</b>	enrolled
<b>Finance</b>	referred to Finance committee
<b>H</b>	House
<b>intro</b>	introduced
<b>IP</b>	indefinitely postponed
<b>JC</b>	referred to judicial council
<b>jt rule 10</b>	time limitation on bills
<b>jt rule 19</b>	time limitation on appropriation bills
<b>K</b>	killed
<b>LT</b>	laid on table
<b>nonconc</b>	nonconcurred
<b>opin</b>	opinion
<b>psd</b>	passed
<b>RC</b>	roll call
<b>rcmt</b>	recommitted
<b>recon</b>	reconsideration, reconsidered
<b>rej</b>	rejected
<b>rep</b>	report
<b>req</b>	requested
<b>S Ct</b>	Supreme Court
<b>SO</b>	special order
<b>study</b>	referred to a study committee
<b>wthd</b>	withdrawn, withdrew

#### SENATE BILLS

**SB 1** Establishing an environmental protection department, providing for planning of the consolidation of the functions of existing agencies under it and making an appropriation therefor. (Porter)  
203, am & Finance 1048-1070, am 1314-1319, psd 1320, **H** nonconc, study 2307

**SB 2** To provide partial exemption from real estate taxes for persons 65 years of age or older, and complete exemption from real estate taxes for persons 70 years of age or older, under certain circumstances. (Nixon)  
**New title:** To provide partial exemption from real estate taxes for persons 65 years of age or older, and complete exemption from real estate taxes for persons 80 years of age or older, under certain circumstances.

- 29-30, am 77-81, psd 90, nonconc H am, conf 2260, 2264-2265, rep adop 2550, enr am 2571-2572, 2577 (pocket vetoed)
- SB 3** Re exempting steam locomotives and engines from the provisions of the air pollution control law. (Lamontagne & Poulsen)  
30, intro & SO, psd (2 RC's) 34-41, 43, nonconc H am, conf 119, 124, 126, withd, conc H am 141-142, 176, enr 205 (Chapter 13)
- SB 4** Providing for the state to contribute a proportionate share of the expenses incurred by cities and towns relative to action imposed by water supply and pollution control; and making an appropriation therefor. (Lamontagne)  
30-31, Died 2583
- SB 5** To provide recognition of the war service of residents of this state who served in the armed forces of the United States during the Vietnam conflict; and making an appropriation therefor. (Lamontagne)  
31, Finance 629-633, SO 1171-1174, study 1222-1223
- SB 6** Providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire. (Lamontagne & Sanborn)  
31, K 81
- SB 7** Abolishing appeals in criminal cases to the superior court from district and municipal courts. (Nixon)  
31, K 460-461
- SB 8** Re limiting grand jury proceedings except in unusual circumstances. (Nixon)  
31, JC 113-114
- SB 9** Increasing the penalties for the commission of armed crimes. (Nixon)  
31, K 154
- SB 10** Re the crime of assassination or attempted assassination of a candidate. (Nixon)  
31, K 95-96
- SB 11** Providing for annual summary fiscal reports. (Nixon)  
31, am & Finance 345-346, am 576, psd 583, H nonconc 2266
- SB 12** Adding a third verse to the New Hampshire state song. (Nixon)  
31, K 212
- SB 13** Increasing sick leave benefits for certain fish and game employees. (Gardner)  
New title: Re conservation officer Warren Jenkins.  
31, am 298-302, psd 306, conc H am 614, enr 705 (Chapter 86)
- SB 14** Establishing standards of legislative ethics. (Nixon & Bossie)  
31, am 1270-1275, psd 1278, H nonconc, study 2181, com members appointed 2587
- SB 15** Re a statewide curfew of ten o'clock P.M. (Lamontagne)  
31, rcmt 460, SO 1156, IP 1219-1222
- SB 16** Prohibiting a split deer hunting season. (Lamontagne)  
31, SO (RC) 220-226, 266-267, 302, 337, IP (RC) 357-361
- SB 17** Re the allowable width and length of certain vehicles. (Lamontagne)  
31-32, remarks 268, IP (RC) 891-900
- SB 18** Requiring reflectorized number plates on motor vehicles. (Sanborn)  
32, Finance 165-166, am 713-716, psd 729 (H nonconc)
- See also **Subject Index** preceding this index

- SB 19** To further protect the citizens of New Hampshire from unfair and discriminatory practices. (Nixon)  
32, psd 177, 202, H conc 907, enr 917 (Chapter 97)
- SB 20** Providing that motor vehicle liability coverage may not be reduced because of lack of co-operation of the insured. (Nixon)  
33, K 164-165
- SB 21** Re imposing some limitation on the doctrine of sovereign immunity. (Nixon)  
New title: Regulating the liability of governmental units in actions to recover for bodily injury.  
33, SO 1422-1423, jt rule 10 1503, am 1638-1642, psd 1670, H nonconc, study 2108
- SB 22** To require notice to heirs and heirs-at-law in all cases where an estate is solvent and to provide to an interested party a right to demand a jury trial in superior court in contested probate cases any time before the first witness is sworn in a probate court proceeding. (Nixon)  
34, K 278-279
- SB 23** To provide a procedure for the examination of an alleged incompetent and if confirmed so to be, for the appointment of his or her guardian. (Nixon)  
New title: To clarify and make fairer the procedures re the appointment of guardians for mentally incompetent persons.  
34, am 1423-1424, psd 1486, H conc 2190, enr 2393 (Chapter 460)
- SB 24** Re securing loads of wood products on motor vehicles. (Lamontagne & Bradley)  
34, remarks 47, 48, am & psd 58-61, H conc 106, enr 119 (Chapter 5)
- SB 25** Providing for the freezing of real property taxes on residential property of certain elderly persons. (Nixon)  
34, K 138
- SB 26** Re purchasing procedures by the University of New Hampshire. (Ferdinando)  
44, SO 511-513, IP 579-582
- SB 27** Re straight ticket voting in all biennial elections, all other elections of national or state officers, and primaries. (Nixon et al)  
44, com changed 49, psd 776-784, H nonconc 1249
- SB 28** Re a bill of rights for mobile home park tenants. (Nixon)  
44, psd 288-289, 306, recon notice 307, SO 616-617, psd 653-662, 672, nonconc H am, conf 1614, 1666, rep adop 1763-1764, 1765, enr 2042 (Chapter 291)
- SB 29** To authorize the director of fish and game to open hunting and fishing season to residents other than during the regular season. (Downing)  
44, jt rule 10 1505, psd 1531, 1537, H nonconc 2265
- SB 30** Requiring the separate listing of homestead residence property. (Downing)  
44, psd 81-83, 90, H nonconc 1731
- SB 31** Providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire. (Lamontagne et al)  
44, psd 83-89, 90, nonconc H am, conf 443, 528, rep adop 530-531, 556, enr 614 (Chapter 89)
- SB 32** Establishing the criminal offense of "impaired driving." (Nixon)  
49, SO 536-537, 673, IP 722-725
- SB 33** Re payment of court fees for breath tests of blood alcohol content. (Trowbridge)  
49, am 349-352, psd 363, H conc 907, enr 997 (Chapter 108)

- SB 34** Re requiring certain foreign corporations to file a copy of their corporate charter and a copy of their record of organization with the secretary of state. (Lamontagne)  
 New title: Re requiring certain foreign corporations to file a copy of their corporate charter and a copy of their record of organization with the secretary of state and re the content of annual returns of corporations and other associations.  
 49, jt rule 10 1501, am 1655-1656, psd 1670, conc H am 2273, enr 2427 (Chapter 519)
- SB 35** Prohibiting the placing of razor blades or harmful substances in Halloween food or drink. (Ferdinando)  
 49, SO 248, 279, am 329-331, psd 338, H nonconc 638
- SB 36** Re the cutting of timber near public waters and highways and establishing and enforcing penalties relating thereto. (Poulsen)  
 58, am 182-184, psd 202, H conc 674, enr 706 (Chapter 81)
- SB 37** To encourage voter participation in primary elections. (Nixon)  
 58, SO 805-806, K 861-864
- SB 38** Re increasing the sum authorized by the commission to expend from an applicant's examination fee for engaging a qualified testing service. (Claveau)  
 New title: Authorizing the real estate commission to expend from examination fees whatever sums are necessary to hire a testing service.  
 65, am & Finance 346-348, psd 577-578, 583, H conc 1798, enr 1823 (Chapter 246)
- SB 39** To enable the city of Berlin to provide ambulance service to adjoining towns. (Lamontagne)  
 intro & psd 74-76, 90, H conc & enr 93 (Chapter 3)
- SB 40** Re the distribution of district court fees. (Trowbridge)  
 94, SO 415-422, rcmt 478-479, am 979-981, psd 993, H nonconc (study) 1615
- SB 41** Re increasing the amount of homestead. (Spanos)  
 94, am 184-187, psd 202, H conc 1615, enr 1676 (Chapter 212)
- SB 42** Re excepting certain pupils from authorized regional enrollment area school agreements. (Trowbridge)  
 94, am 343-345, psd 362, H conc, enr 638, recon rej 1239 (Chapter 78)
- SB 43** Requiring persons engaged in the hunting of big game animals to display on their person a minimum amount of color known as hunter orange. (Sanborn)  
 104, SO 352-353, K (RC) 365-369, recon rej 388
- SB 44** Re the notice required for the lay out of class IV, V, VI highways. (Bossie)  
 104, psd 858-859, 872, H conc 1249, enr 1288 (Chapter 174)
- SB 45** Increasing from ten to thirty days the time within which an appeal to superior court can be filed from a finding of an employment security appeal tribunal. (Bossie)  
 104, psd 293-294, 306, H conc 969, enr 997 (Chapter 119)
- SB 46** Re disqualification of certain officials in the city of Manchester for employment by the city. (Bossie)  
 104, am 294-295, psd 306, H conc 585, enr 614 (Chapter 68)
- SB 47** Providing for the implementation of flood hazard area management in New Hampshire; and making an appropriation therefor. (Porter et al)  
 118, jt rule 10 1505, K 1527
- SB 48** Re times and places of holding regular terms of probate court in Cheshire county. (Blaisdell)  
 125, psd 320-321, 338, H conc 907, enr 917 (Chapter 98)
- See also Subject Index preceding this index

- SB 49** Re prohibited conduct of real estate brokers and salesmen. (Claveau)  
New title: Re prohibited conduct of real estate brokers and salesmen and licenses of real estate brokers and salesmen.  
125, SO 352, 407-408, am (RC) 428-437, psd 441, recon rej 442, conc H am 1189, enr 1326 (Chapter 165)
- SB 50** Authorizing motions for summary judgment in the district court. (Bradley)  
125, psd 461-462, 485, H conc 1082, enr 1084 (Chapter 130)
- SB 51** To provide workmen's compensation benefits for persons who are compelled by statute to assist in fighting a forest fire. (Poulsen)  
New title: To provide workmen's compensation benefits to all persons who assist in fighting forest fires or any fires under the direction of fire-fighting personnel authorized to give direction.  
134, psd 622-623, 635, conc H am 2189-2190, enr am 2388, 2405, enr 2419 (Chapter 492)
- SB 52** Providing for appointment of retired probate judges as judicial referees. (Trowbridge & Blaisdell)  
134-135, JC 1341
- SB 53** To provide the clerk of the federal district court for the district of New Hampshire with a copy of the checklist. (Bradley)  
135, psd 646-647, 672, H conc 1164, enr 1191 (Chapter 153)
- SB 54** To establish a New Hampshire office with facilities to assign risks with the state. (Lamontagne)  
135, K 1328-1329
- SB 55** Eliminating the five year residency requirement to qualify persons seventy years of age or older for property tax exemption. (Bradley)  
135, IP 472-475
- SB 56** Revising the scenic roads act. (Trowbridge)  
143, com changed 199, am 791-796, psd 797, nonconc H am, conf 1729, 1757, rep adop 2570, 2575, enr 2576 (Chapter 586)
- SB 57** Lowering the age of majority to 18. (Bradley et al)  
174, SO (RC) 290-293, remarks 302-303, am (RC) 331-336, psd 338, H nonconc 772
- SB 58** Clarifying certain definitions under the charitable trust statutes. (Bossie)  
174, psd 461, 485, H conc 907, enr 917 (Chapter 99)
- SB 59** Providing that no criminal penalty shall be imposed for failing to yield the right of way at an intersection. (Bossie)  
174, SO 1109-1112, 1184, JC 1238
- SB 60** Providing that no male under 16 years of age nor any female under 15 years of age shall be allowed to marry. (Bossie)  
174, IP (RC) 647-653, recon notice 675, withd 693-695
- SB 61** Re the administration of the workmen's compensation law as it affects state employees. (Bossie)  
New title: Re workmen's compensation for state employees; creating a workmen's compensation review commission for state employees and making an appropriation therefor.  
174, am & Finance 1431-1433, jt rule 19 1610, am 1619-1620, psd 1669, H conc 2288, enr 2420 (Chapter 496)
- SB 62** To authorize any licensed physician to act as medical referee in certain circumstances. (Nixon)  
203, psd 653, 672, H conc 1082, enr 1084 (Chapter 131)



- SB 63** Providing for arrest without warrant in miscellaneous cases where probable causes for such arrest exists. (Nixon)  
 New title: Re arrest without a warrant  
 203, rcmt 1112, am 1341-1342, psd 1357, H conc 2191, enr 2393 (Chapter 461)
- SB 64** Re child benefit services. (S. Smith & Spanos)  
 203, IP 1303-1308
- SB 65** To require that all motor vehicles and trailers operating on the highways be equipped with tires meeting certain safety standards. (Lamontagne)  
 210, rcmt 541-545, SO 852-858, rcmt 922-925, SO 1183, IP (RC) 1225-1226
- SB 66** To provide for continued monitoring of Old Man of the Mountains rock formation, and making an appropriation therefor. (Poulsen)  
 211, Finance 625-626, psd 851-852, 872, conc H am 2269, enr 2427 (Chapter 520)
- SB 67** Changing the compensation of certain state law enforcement employees. (S. Smith)  
 211, am & Finance 681, psd 851, 872, conc H am 2268, enr 2427 (pocket vetoed)
- SB 68** Requiring the attendance of the police officer involved in the arrest at hearings to set bail on felonies. (Nixon)  
 211, am 681-682, psd 698, H nonconc 1189
- SB 69** Re selling betting cards by the sweepstakes commission. (Bossie)  
 237, am & Finance 814-821, am & psd (2 RC's) 1372-1379, H nonconc 2307
- SB 70** Re per diem paid monthly to employees of the state police for expenses incurred in the performance and discharge of their duties. (McLaughlin et al)  
 237, Finance 510, psd 889-890, 905, conc H am 2270, enr 2427 (Chapter 521)
- SB 71** Re eminent domain procedures. (S. Smith)  
 256, psd 1096, 1100, conc H am 1765-1766, enr 2040 (Chapter 256)
- SB 72** Limiting bequests to town trustees for the care of individual burial lots; broadening the investment discretion of town trustees; and requiring that reasonable compensation be paid to trustees of charitable trusts. (Bradley)  
 270, jt rule 10 1501, study 1554-1555
- SB 73** To establish a state liquor store in New London and making an appropriation therefor. (Jacobson)  
 270, Finance 721-722, jt rule 10 1502, K 1518
- SB 74** Authorizing the position of special assistant county attorney to assist the county attorney, to speed up the disposition of criminal cases. (Nixon)  
 307, psd 1214-1215, 1239, conc H am 1766, enr 2040 (Chapter 281)
- SB 75** Adopting the uniform management of institutional funds act. (Nixon)  
 307, am & S Ct opin req 1153-1155, jt rule 10 1503, am 1629-1631, psd 1670, S Ct opin printed 1795-1797, nonconc H am, conf 2289, 2392, rep adop 2428, 2429-2430, enr 2477 (Chapter 547)
- SB 76** Re tuition payments for handicapped children and making an appropriation therefor. (S. Smith & Spanos)  
 363-364, am & Finance 1301-1303, rules suspended, hearings 1324, psd 1421-1422, 1486, nonconc H am, conf 2270, 2408, rep adop 2503-2504, 2530, enr am 2562, 2575, enr 2576 (Chapter 588)
- SB 77** Re costs in domestic relations actions. (Foley)  
 364, K 1156
- SB 78** Re representation for indigent, neglected and abused children. (S. Smith & Spanos)

See also Subject Index preceding this index

**New title:** Re representation for neglected and abused children.

364, Finance 788-791, psd 1087-1089, 1100, conc H am 2392, enr 2427 (Chapter 522)

**SB 79** Appropriating certain funds held in escrow by the department of resources and economic development. (Porter)

369, psd 576-577, 583, H conc 833, enr 917 (Chapter 100)

**SB 80** Providing for district court prosecutors for all criminal trials and probable cause hearings. (Sanborn)

389, JC 1342

**SB 81** Establishing a commission on children and youth; and making an appropriation therefor. (Jacobson)

**New title:** Establishing a commission on children and youth.

389, jt rule 10 1501, am & Finance 1540-1544, am 1694-1695, psd 1703, H nonconc 2265

**SB 82** Providing for the standard allowance payable to a teacher member of group I under the New Hampshire retirement system to be a modified cash refund and making an appropriation therefor. (Foley & Downing)

389, Finance 775-776, psd 1340-1341, 1357, H nonconc 2266

**SB 83** Re establishing a study committee to determine feasibility of having domestic relations matters heard before the probate courts. (Bossie)

389, rcmt 1388-1392, jt rule 10 1503, LT 1601-1602, study 1638

**SB 84** Providing compensation for conservation officers injured in line of duty. (S. Smith)

390, Finance 645, am 887-889, psd 905, H nonconc 1799

**SB 85** Re maintenance of bridges on class II highways. (Sanborn)

390, Finance 859-860, am 1308-1311, psd 1320, H nonconc, study 1969

**SB 86** Providing for the issue of special press plates for the news media. (Lamontagne)

390, study 1438

**SB 87** Providing state grants to assist the school staff development programs and making an appropriation therefor. (Green)

390, am & Finance 1136-1137, K 1332-1334

**SB 88** Re professional mental health evaluations of minors. (Bradley)

413, am 1258-1259, psd 1278, H conc 2263, enr 2399 (Chapter 447)

**SB 89** Providing for vested benefits for teacher members of group I who terminate after completing ten years of creditable service payable in accordance with the applicable service retirement benefits formula and making an appropriation therefor. (Foley & Green)

413-414, Finance 755-756, psd 1340, 1357, H conc 2263, enr 2399 (Chapter 448)

**SB 90** Re the termination of parental rights. (Gardner)

414, SO 1181, am 1223-1225, psd 1239, conc H am 1998, enr 2427 (Chapter 523)

**SB 91** Re towns having the power to elect a board of assessors. (Poulsen)

414, LT 1046, withd 1070, K 1071

**SB 92** Providing total property tax exemption for all totally disabled veterans of any branch of the armed forces. (Green)

**New title:** Providing limited property tax exemption for all totally disabled veterans of any branch of the armed forces.

414, jt rule 10 1506, am 1569, psd 1613, conc H am 2289, enr am 2445, 2469, enr 2489 (Chapter 553)

- SB 93** Prohibiting any person from riding in any type of trailer while being moved upon a highway. (S. Smith)  
442, am 900-901, psd 905, H conc 1249, conc H am 1287, enr 1362 (Chapter 180)
- SB 94** Re the landlord and tenant relationship. (S. Smith)  
442, am 1156-1157, psd 1158, H nonconc 2035
- SB 95** Abolishing the position of assistant bank commissioner. (S. Smith)  
442, rcmt 732, psd 887, 905, H conc 1249, enr 1288 (Chapter 182)
- SB 96** To provide for the citizen's right to sue to protect against damage to the environment. (Porter)  
486, am 1451-1453, psd 1486, recon rej 1487, H conc 1969, enr 2040, veto overridden (RC) 2400-2401 (K)
- SB 97** Re the discipline of students on school buses. (Green)  
487, am 1200-1201, psd 1239, H conc 2190, enr 2393 (Chapter 462)
- SB 98** Making the registered owner of a motor vehicle responsible for school bus overtaking and passing violations. (Green)  
New title: Providing that the motor vehicle record of persons to whom the vehicle is registered is prima facie evidence that registered owner of vehicle was the driver at time vehicle illegally passes a school bus.  
487, am 1381-1384, psd 1407, H nonconc 1799
- SB 99** Re the library development program. (Jacobson)  
487, psd 784-785, 796, H conc 1164, enr 1191 (Chapter 154)
- SB 100** Providing for cost of living increases for retirement allowances paid to teacher members of group I and all members of group II under the New Hampshire retirement system and all members of the New Hampshire firemen's retirement system, the New Hampshire policemen's retirement system and the New Hampshire teacher's retirement system and making appropriations therefor. (Foley & S. Smith)  
New title: Providing an additional (cost of living) retirement allowance for persons receiving retirement on June 30, 1973.  
487, Finance 1114, am 1621-1624, psd 1669, conc H am 2270, enr 2427 (pocket vetoed)
- SB 101** Establishing a public defender system for Merrimack, Cheshire, and Rockingham counties. (Jacobson)  
New title: Establishing a public defender system for Merrimack and Hillsborough counties.  
487, LT 1424, am & psd 1571-1573, recon & Finance 1609, jt rule 19 1611, am 1626-1627, psd 1669, H conc 2191, enr 2394 (Chapter 463)
- SB 102** To delete reference to federal funds being applied to reimburse the state. (Jacobson)  
487, psd 851, 872, H conc 1799, enr 1823 (Chapter 247)
- SB 103** Re statutory collection fee for all goods and services sold on open credit. (Sanborn)  
487, JC 1384
- SB 104** Providing for the acquisition of Gile Forest and making an appropriation therefor. (Jacobson & Spanos)  
487, Finance 901-904, am 1252-1256, psd 1278, H conc 2263, enr 2398 (Chapter 367)
- SB 105** Re interest and service charges on overdue accounts. (Jacobson)  
555, K 774

See also Subject Index preceding this index

**SB 106** Re the use of voting machines. (Bossie)

New title: Permitting use of paper ballots for certain elections in cities and towns which have adopted use of voting machines therein.

555, psd 977, 993, H conc 1286, enr am 1356, enr 1413-1414 (Chapter 184)

**SB 107** Providing full creditation for teacher members of group I under the New Hampshire retirement system and making an appropriation therefor. (Foley et al)

555, Finance 998-999, psd 1338, 1357, H conc 2263, enr 2399-2400 (Chapter 449)

**SB 108** Re giving citizens standing to sue in environmental protection actions. (Trowbridge)

555, K 1453

**SB 109** Providing for the calculation of average final compensation over 3 years for teacher members of group I under the New Hampshire retirement system. (Foley & Nixon)

555, Finance 999, K 1338

**SB 110** Re service retirement benefits under the New Hampshire retirement system. (Foley & Nixon)

555, Finance 1113-1114, jt rule 10 1502, am 1518-1520, psd 1538, conc H am 2267, enr 2427 (Chapter 524)

**SB 111** Providing for the merger of the New Hampshire teachers' retirement system into the New Hampshire retirement system and the protection of the benefits of all persons affected thereby. (Foley et al)

555, psd 976-977, 993, H conc 2263, enr am 2423-2424, enr 2444 (Chapter 540)

**SB 112** Re neglected, delinquent and abused children. (S. Smith & Spanos)

New title: Re neglected and abused children.

584, psd 1453-1454, 1486, nonconc H am, conf 2268-2269, 2407, rep adop 2486, 2490, enr am 2531, enr 2560 (Chapter 578)

**SB 113** Establishing the Franklin Pierce Law Center. (Nixon et al)

584, am 1424-1425, psd 1486, H nonconc, study 2266

**SB 114** Providing for a snow-making system for Mount Sunapee State Park, and making an appropriation therefor. (Spanos & Jacobson)

584, SO 900, 931, rcmt 954-957, jt rule 10 1504, study 1532

**SB 115** Naming a certain body of water in the town of Wakefield, Belleau Lake. (S. Smith)

613, psd 1354, 1358, H conc 1969, enr 2040 (Chapter 284)

**SB 116** Establishing the position of park and forest security officer in the department of resources and economic development; and making an appropriation therefor. (S. Smith & Lamontagne)

613, Finance 1478, jt rule 19 1611, K 1620

**SB 117** Establishing a minimum penalty for driving without a license. (Jacobson & Lamontagne)

613, psd 1112-1113, 1125, H conc 1761, enr 1823 (Chapter 248)

**SB 118** Providing a ten year statute of limitations on the legacy and succession tax for title purposes. (Spanos)

New title: Providing a twenty year statute of limitations on the legacy and succession tax for title purposes.

614, psd 1385, 1406, conc H am 1999, enr 2182 (Chapter 317)

**SB 119** Providing for a five year term of office for the commissioner of employment security. (S. Smith et al)

636-637, jt rule 10 1501, IP (RC) 1578-1585

- SB 120** Providing that each county must participate in and pay for the commodity food distribution program. (Lamontagne)  
704-705, psd 1343-1344, 1357, conc H am 2270, enr 2427 (Chapter 525)
- SB 121** Re the transportation of gasoline and fuel oil. (Lamontagne)  
705, jt rule 10 1503, study 1636
- SB 122** Re the date for filing applications for tax year 1973 for exemptions for the elderly. (R. Smith & Downing)  
intro & psd 730-731, H conc & enr 772 (Chapter 79)
- SB 123** Eliminating the prohibition against insurance transactions through credit card facilities. (Brown)  
New title: Allowing certain insurance transactions through credit card facilities.  
754, LT 1329, am 1350-1352, psd 1358, H conc 1969, enr 2040 (Chapter 257)
- SB 124** Changing the classification of certain class V highways to class II highways. (Sanborn)  
754, am 1346-1347, psd 1358, H conc 1731, enr 1747 (Chapter 228)
- SB 125** Making an appropriation for the expansion of the state park system. (Blaisdell & Preston)  
754, SO 1183, Finance 1233-1236, K 1585
- SB 126** Providing for the withdrawal of the town of Newmarket from supervisory union no. 14. (Preston)  
754, SO 1449-1450, jt rule 10 1500, study 1604-1608
- SB 127** To eliminate the blood test requirement for barbers and hairdressers. (Gardner & Downing)  
754, psd 1433-1434, 1486, H nonconc, study 2181
- SB 128** Re recess of a jury in deliberation. (Bossie)  
754, psd 1094-1095, 1100, H conc 1761, enr 1823 (Chapter 249)
- SB 129** Re the form of ballots for election of delegates to the national conventions. (Bossie)  
New title: Re the form of ballots for election of delegates to the national convention and for primary elections.  
754, psd 1046-1047, 1075, conc H am 1727-1728, enr 1747 (Chapter 227)
- SB 130** To indemnify officers and employees of municipalities and school districts from liability for damages and to allow insurance coverage for the liability. (Bradley)  
803, psd 1385-1386, 1407, nonconc H am, conf 2273, 2407 (Died)
- SB 131** Re a mandatory penalty for illegal sales of narcotics for profit. (Green & Poulsen)  
803, jt rule 10 1502, SO 1599-1601, psd 1658-1660, H nonconc 2307
- SB 132** To exempt nonprofit health care facilities from provisions of the fair trade law. (Green & Bradley)  
832, psd 1215, 1239, H conc 1969, enr 2040 (Chapter 258)
- SB 133** Making a supplemental appropriation to the New Hampshire racing commission for harness racing. (Ferdinando)  
832, psd 1087, 1100, H conc 1413, enr 1498 (Chapter 201)
- SB 134** Re insurance holding companies and regulating the use of company names. (Spanos)  
832, psd 1164-1165, 1185, H conc 1731, enr am 1757-1758, 1761, enr 1800 (Chapter 235)

See also Subject Index preceding this index



- SB 135** Requiring certain coverages at the option of the insured to be included in standard fire insurance policies. (Preston et al)  
832, rcmt 1165, Died 2583
- SB 136** Validating permits issued to carriers by the public utilities commission under the "grandfather's" clause. (Lamontagne)  
832, Died 2583
- SB 137** Establishing a state historic preservation office; and making an appropriation therefor. (R. Smith)  
832, Finance 1250, am 1585-1589, psd 1613, H conc 2288, enr 2420 (pocket vetoed)
- SB 138** Re nonforfeiture benefits of life insurance policies, and reserve valuation standards for life insurance policies and annuity contracts. (R. Smith)  
832, psd 1330, 1356, H conc, enr 1731 (Chapter 221)
- SB 139** Permitting patients at Rockingham county home and hospital to fish without a license in waters on the property of said institution. (Foley et al)  
833, psd 952-953, 963, H conc 995, enr 997 (Chapter 120)
- SB 140** Amending the charter of the city of Concord relative to city council vacancies and absentee voting. (R. Smith)  
879, psd 1044-1045, 1075, H conc 1249, enr 1287 (Chapter 157)
- SB 141** Providing for continued expenditures at current levels in the event a subsequent budget is not enacted. (Jacobson & Brown)  
879, jt rule 10 1501, SO 1518, 1571, LT (2 RC's) 1631-1635, Died 2584
- SB 142** Amending the Rochester city charter to provide that the mayor shall be a nonvoting member of the school board. (Green)  
906, psd 1208-1214, 1239, H conc 2107, enr 2308 (Chapter 398)
- SB 143** Amending the Rochester city charter to provide for a five member police commission, one member elected from each ward. (Green)  
906, jt rule 10 1500, K 1549
- SB 144** Providing funds for an increased statewide betterment highway reconstruction program to up-grade existing state highways. (Brown)  
935, Finance 1398-1399, jt rule 19 1610, psd 1618-1619, 1669, conc H am 2303-2304, enr 2427 (Chapter 526)
- SB 145** Providing that revocation of boat registration be the responsibility of the director of safety services. (Brown)  
935, K 1349
- SB 146** Providing for a change in official responsibility relative to commercial boating, from the director of the division of motor vehicles to the director of the division of safety services. (Brown)  
935, K 1350
- SB 147** Broadening the purposes for which the capital appropriation of 1971 for dredging of Hampton Harbor may be expended. (Preston)  
935, psd 1093-1094, 1100, enr 1498 (Chapter 202)
- SB 148** Re permits for the sale of alcoholic beverages. (Provost & Brown)  
935, jt rule 10 1505, LT 1573, Died 2583
- SB 149** Re the location of hearings for proposed electric power plant and major transmission siting. (S. Smith)  
New title: Re electric power plant, oil refinery, and transmission siting and construction procedure.  
968, psd 1352-1353, 1358, nonconc H am, conf 2267, 2423, rep adop 2534, 2561, enr 2576 (Chapter 587)

- SB 150** Re importing and releasing wild life. (Green)  
968, jt rule 10 1504, am 1525-1526, psd 1538, conc H am 1801, enr 2097 (Chapter 304)
- SB 151** Re changing the commemoration of Memorial Day to the last Monday in May. (Porter & McLaughlin)  
968, remarks (RC) 1115-1124, psd (RC) 1478-1484, 1487 (H nonconc)
- SB 152** Re liquidity requirements of building and loan associations, cooperative banks, and savings and loan associations. (Poulsen)  
968, am 1414-1416, psd 1485, conc H am 2189, enr 2420 (Chapter 497)
- SB 153** Re exemptions allowed applicable to legacies and succession tax to non-related persons. (Trowbridge)  
968, psd 1157, 1158, H nonconc 2265
- SB 154** Providing for certificate of need for health care facility capital expenditures. (Lamontagne)  
968, am 1435-1437, psd 1487, H nonconc 2181
- SB 155** Re limitations on the loaning authority of building and loan associations, cooperative banks, and savings and loan associations. (Poulsen)  
968, am 1418-1420, psd 1486, conc H am 2267-2268, enr 2426 (Chapter 512)
- SB 156** Re penalties for noncompliance with sewage and waste disposal rules and regulations of the water supply and pollution control commission. (S. Smith)  
968, psd 1353, 1358, conc H am 2270, enr 2426 (pocket vetoed)
- SB 157** To increase the membership of the port authority by one member who shall be a commercial fisherman. (Preston & Foley)  
968, jt rule 10 1504, am 1525, psd 1537, Died 2584
- SB 158** Re the time of taking office of the school board of the Mascoma Valley Regional school district. (Bradley)  
968, psd 1250, 1277, H conc 1969, enr 2040 (Chapter 259)
- SB 159** Permitting the water supply and pollution control commission to continue minimum algae control effort in the surface waters of the state, and making an appropriation therefor. (S. Smith)  
968-969, Finance 1354, jt rule 19 1611, psd 1617, 1669, H conc 2288, enr 2420 (Chapter 498)
- SB 160** Requiring the use of safety glazing materials in hazardous locations, in residential, industrial, commercial and public buildings. (Ferdinando)  
969, am 1434-1435, psd 1486-1487, recon & rcmt 1489, Died 2583
- SB 161** Designating a certain portion of route 13 in New Boston as Davis Scenic Drive. (Nixon)  
995, psd 1296, 1320, H conc 1731, enr 1732 (Chapter 222)
- SB 162** Re mining and removal of minerals and making an appropriation therefor. (Porter)  
995, SO 1533-1534, LT 1548-1549, IP (RC) 1608-1609
- SB 163** Re real estate investments by cooperative banks, building and loan associations, and savings and loan associations. (Poulsen)  
1029, am 1331, psd 1357, H conc 1761, enr 1823 (Chapter 250)
- SB 164** Providing equal preference to incorporators as creditors of cooperative banks, building and loan associations, and savings and loan associations as enjoyed by depositors in such institutions, upon dissolution of such corporations. (Poulsen)

See also Subject Index preceding this index

- New title: Clarifying and making co-equal the terms, shares and deposits, and shareholders and depositors under RSA 393 which regulates building and loan associations.  
1029-1030, am 1416-1417, psd 1485-1486, H conc 2190, enr 2394 (Chapter 464)
- SB 165** Providing for per diem and expenses for State Council on Aging. (Foley)  
New title: Providing for per diem and expenses for state council on aging and for expenses for state commission on the status of women.  
1030, am 1380-1381, psd 1406, nonconc H am, conf 2271, 2408, 2421, rep adop 2440, 2442, enr 2477 (pocket vetoed)
- SB 166** To require approval of increases in hospital rates by state rate-setting commission. (Lamontagne)  
1030, study 1293-1294
- SB 167** Providing for special motor vehicle license plates for justices. (Lamontagne)  
1030, jt rule 10 1503, LT 1636, study 1661
- SB 168** Re illegal use of inspection stickers. (Lamontagne)  
1030, K 1296
- SB 169** Re transfers to the N.H. state hospital for observation. (Lamontagne)  
1030, psd 1343, 1357, LT 2010, conc H am 2031-2032, enr 2225 (Chapter 323)
- SB 170** Increasing the number of members of the Boundary Commission, including a commercial fisherman, and providing for a study of both the Maine and the Massachusetts boundaries with New Hampshire. (Preston & Foley)  
1030, jt rule 10 1505, LT 1547-1548, psd 1567, 1612, H conc 2190-2191, enr am 2487, 2488, enr 2501 (Chapter 564)
- SB 171** Re limitations on the lending authority of savings banks. (Poulsen)  
1030, psd 1330, 1356, H conc 1761, enr 1823 (Chapter 251)
- SB 172** Re the marine fisheries fund. (Foley)  
New title: Re marine fisheries revenue.  
1081, jt rule 10 1504, psd 1524, 1537, H conc 2263, enr am 2408-2409, 2413, enr 2427 (Chapter 527)
- SB 173** Providing for legal service corporations which shall offer legal insurance. (Spanos)  
1081, psd 1397-1398, 1407, conc H am 2269, enr 2426 (pocket vetoed)
- SB 174** Re the declared date of the end of the Korean Conflict. (R. Smith & Lamontagne)  
1101, jt rule 10 1506, study 1528
- SB 175** Re raising the limit on state agencies field purchases from fifty to one hundred dollars. (S. Smith)  
1126, psd 1381, 1406, H conc 1731, enr 1732 (Chapter 223)
- SB 176** Re the use of the word organic and the certification of organic farm produce. (Bradley)  
1126, jt rule 10 1505, psd 1527-1528, 1537, H conc 2106, enr 2395 (Chapter 435)
- SB 177** Providing a method to amend city charters by a people's initiative petition. (Green)  
1126, jt rule 10 1500, study 1550-1551
- SB 178** Regulating business practices between motor vehicle manufacturers, distributors, and dealers. (Poulsen)  
1126, psd 1348-1349, 1358, conc H am 1801, enr 2262 (Chapter 330)
- SB 179** Abolishing the restriction prohibiting state liquor stores from operating within close proximity to schools, churches and parish houses. (Provost)

**New title:** Re the proximity of state liquor stores to schools, churches, and parish houses.

1126, jt rule 10 1506, psd 1528, 1537, nonconc H am, conf 2268, 2392, rep adop 2468-2469, 2476-2477, enr am 2501, 2530, enr 2561 (Chapter 575)

**SB 180** Requiring the bonding of new and used car dealers. (Downing)

1126, psd 1295-1296, 1319, recon rej 1320, conc H am 2003, enr 2225 (Chapter 324)

**SB 181** Re participation in a New England power pool. (Ferdinando)

1127, jt rule 10 1506, am 1590-1594, psd 1613, H nonconc, study 2266

**SB 182** Providing for seven appointed members to the Manchester Airport Authority. (Bossie)

1127, psd 1288, 1319, nonconc H am, conf 1800-1801, 1813, 1968, rep adop 2469, 2474-2476, enr 2502 (Chapter 565)

**SB 183** Establishing a limit on the issuance of greyhound racing licenses to within forty miles of existing greyhound tracks. (Brown)

1127, jt rule 10 1505, LT 1568-1569, study 1642-1644

**SB 184** Establishing qualification standards for the licensing of individuals doing electrical installations. (Sanborn)

1127, jt rule 10 1505-1506, study 1546-1547

**SB 185** To require prompt payment of automobile and fire insurance claims. (Lamontagne)

1127, study 1474-1477, recon rej 1487

**SB 186** Providing for minimum standards for health insurance contracts and providing for the approval of life, health and accident insurance forms and rates by insurance commissioner. (Lamontagne)

1127, study 1477, recon rej 1487

**SB 187** Clarifying the authority of county conventions to set salaries. (Jacobson)

**New title:** Clarifying the authority of county conventions to set salaries, relative to the payment of certain Merrimack county salaries, and relative to the per diem of the Merrimack county executive committee

1127, jt rule 10 1500, am 1551-1552, psd 1611, conc H am 1998-1999, enr am 2261, 2266, enr 2395 (Chapter 436)

**SB 188** Providing for greater consumer control over Blue Cross-Blue Shield and their contracts with providers of health care. (Lamontagne)

1127, study 1477, recon rej 1487

**SB 189** Authorizing fiduciaries to deposit securities in a central or regional depository. (R. Smith)

1164, jt rule 10 1499, psd 1515, 1536, H conc 2106, enr 2477 (Chapter 545)

**SB 190** To eliminate unfair profits of insurance companies writing automobile insurance. (Lamontagne)

1164, study 1477, recon rej 1487

**SB 191** Transferring certain state prison employees from group I of the N.H. Retirement System to group II, or from the Employees' Retirement System to group II; and making an appropriation therefor. (R. Smith)

1186, jt rule 10 1500, study 1549-1550, com changed 2572

**SB 192** Re licensing all roadside advertising devices. (Sanborn)

1186, jt rule 10 1504, study 1566

**SB 193** Revising the fees payable for application for permit or renewals to erect or maintain advertising devices. (Sanborn)

1186, jt rule 10 1504, study 1566

See also Subject Index preceding this index

- SB 194** Permitting control of outdoor advertising on class IV and V highways. (Sanborn et al)  
1186-1187, jt rule 10 1503, Finance 1540, psd 1628, 1670, H nonconc 2307
- SB 195** Re merging the sewer and water commissions of the town of Sunapee. (Spanos)  
1187, jt rule 10 1500, psd 1534-1535, 1538, conc H am 2105-2106, enr 2394 (Chapter 465)
- SB 196** Re collective bargaining rights of public employees. (Nixon & Spanos)  
1187, jt rule 10 1499, 1500, am 1645-1655, psd 1670, H nonconc 2265
- SB 197** Re the New Hampshire real estate commission. (Claveau)  
1187, Finance 1427, jt rule 19 1610, K 1619
- SB 198** Re the licensing of alarm installers. (Sanborn)  
1187, jt rule 10 1503, psd 1602, 1613, H conc 2263, enr 2398 (Chapter 457)
- SB 199** Providing for the removal of outdoor advertising from those areas presently zoned commercial and industrial. (Sanborn)  
1187, jt rule 10 1504, LT 1544, study 1566
- SB 200** Re a mandatory electrical inspection of wiring prior to the sale of certain residential, commercial or industrial property. (Sanborn)  
1187, Died 2583
- SB 201** Enabling the Unitarian-Universalist Church of Portsmouth, N.H. and Pierce Memorial Universalist-Unitarian Church of Dover, N.H. to consolidate into one corporation named Unitarian-Universalist Church of Portsmouth, New Hampshire. (Foley & Johnson)  
1187, jt rule 10 1506, psd 1530, 1537, H conc 2107, enr 2308 (Chapter 399)
- SB 202** Re the construction of Dover-Somersworth interchange number nine of the Spaulding Turnpike and making an appropriation therefor. (Johnson & Green)  
1187, rules suspended 1324, Finance 1471-1474, jt rule 19 1610-1611, am 1624-1625, psd 1669, conc H am 2289-2290, enr 2420 (Chapter 500)
- SB 203** Re the stopping of payment of certain instruments. (S. Smith)  
1187, K 1427-1428
- SB 204** Regulating insurance rating organizations which establish rates for first party property damage insurance company policies and providing for a special property insurance fund by assessment. (Brown)  
1246-1247, jt rule 10 1499, study 1515
- SB 205** Re retention of legal residence in spite of private or institutional confinement. (Lamontagne)  
1247, jt rule 10 1500, psd 1552, 1612, H conc 2106, enr 2395 (Chapter 437)
- SB 206** Providing that if the insured prevails in a declaratory action against the insurer, he shall receive costs and attorneys' fees. (Bradley & Bossie)  
1247, am 1428, psd 1486, H conc 2263, enr 2398 (Chapter 458)
- SB 207** Amending the New England higher education compact. (R. Smith)  
1247, jt rule 10 1500, psd 1517, 1537, H nonconc 2266
- SB 208** Legalizing the Marlow town meeting of March 6, 1973. (Blaisdell)  
1247, jt rule 10 1501, psd 1534, 1538, H conc 1761, enr 1823 (Chapter 252)
- SB 209** Re free parking in municipal parking areas. (Spanos)  
1247, jt rule 10 1503, psd 1602, 1613, H conc 2190, 2307, enr am 2435-2436, 2442, enr 2477 (Chapter 374)



- SB 210** To allow for an annual rate for municipal parking areas. (Spanos)  
1247, jt rule 10 1503, psd 1602-1603, 1613, H nonconc 2108
- SB 211** Re the sale of fresh water smelt caught outside the state for human consumption within the state. (Jacobson)  
**New title:** Prohibiting the use of fin fish entrapment devices in ocean waters.  
1247, jt rule 10 1504, psd 1521, 1537, nonconc H am, conf 2224, 2263, rep adop 2413-2414, 2428, enr 2477 (Chapter 549)
- SB 212** Establishing a commission to study the state retirement systems and making an appropriation therefor. (Nixon & Jacobson)  
1247, jt rule 10 1501, Finance 1540, psd 1627-1628, 1669, H nonconc 2287
- SB 213** Re the form and contents of writs. (Bradley & Bossie)  
1247, psd 1428-1429, 1486, H conc 1969, enr 2040 (Chapter 260)
- SB 214** To increase the number of superior court judges by lowering the ratio basis for the number of judges permitted in the state, from one to sixty thousand to one to forty thousand of state population. (Nixon)  
1247, JC 1429
- SB 215** Increasing the limit of the concurrent jurisdiction of district courts in civil matters. (Nixon)  
1247, psd 1429-1430, 1486, H conc 1969, enr 2040 (Chapter 261)
- SB 216** Providing guidelines for standards re aid for town and county paupers. (Bradley)  
1248, LT 1454, jt rule 10 1503, IP 1535
- SB 217** Re the establishment of health service organizations. (Jacobson)  
1248, LT 1454, jt rule 10 1503, study 1636
- SB 218** Re non-resident auctioneer licenses. (Bradley)  
1248, jt rule 10 1506, psd 1569-1570, 1613, H nonconc 2035
- SB 219** Providing required primary coverage for motor vehicle insurance. (Spanos & Bradley)  
1248, jt rule 10 1499, study 1644-1645, recon rej 1661
- SB 220** To expand the scope of summary judgment proceedings. (Bradley)  
1248, jt rule 10 1502, psd 1555-1556, 1612, H conc 2106, enr 2395 (Chapter 438)
- SB 221** To increase resident fishing and hunting license fees and nonresident fishing license fees (Blaisdell et al)  
1248, rules suspended 1324, jt rule 10 1504, am 1524, psd 1537, H nonconc 2265
- SB 222** Providing a moratorium to June 30, 1975 on the issuance of new dog racing licenses. (Nixon)  
intro, am, & psd (RC) 1278-1283, recon rej 1284, remarks by Sen Spanos 1405-1406, H nonconc 2307
- SB 223** Increasing the exemption for real property taxes for the blind. (Nixon)  
**New title:** Re the exemption for real property taxes for the blind.  
1284, com changed 1319, jt rule 10 1505, am 1603-1604, psd 1613, H conc 1969, enr 2040 (Chapter 285)
- SB 224** Establishing a New Hampshire studies project. (S. Smith)  
1284, Finance 1437-1438, jt rule 19 1611, K 1620
- SB 225** Re smelt fishing upon the waters of Squam Lake, Lake Winnepesaukee, and Lake Sunapee by paraplegics, and other non-ambulatory persons. (La-montagne)  
1284, rules suspended 1356, Died 2583

See also Subject Index preceding this index

- SB 226** Re the sale or possession of certain quantities of heroin. (Porter)  
1284, jt rule 10 1502, SO 1601, IP 1660-1661
- SB 227** Re the liability of personnel of the New Hampshire Hospital. (R. Smith)  
1284, jt rule 10 1502, K 1629
- SB 228** Establishing a committee to recommend a codification of the environmental laws of the state. (Porter)  
1284, am & Finance 1532-1533, am 1678, psd 1684, H nonconc 2266
- SB 229** Providing for the employment of state police on their days off in the case of emergencies. (Nixon & Spanos)  
1284, jt rule 19 1610, fiscal com 1617-1618
- SB 230** Re child support payments. (Jacobson)  
1322, jt rule 10 1502, am 1558-1559, psd 1612, nonconc H am, conf 2252, 2306, rep adop 2530, 2534, enr 2561 (Chapter 576)
- SB 231** Specifying procedures for termination of residential gas or electric services. (Jacobson)  
1322, rules suspended 1405, jt rule 10 1502, LT 1556-1557, psd 1594-1595, 1613, H nonconc 2035
- SB 232** Prohibiting the use of certain motorboats on Great Pond in Kingston. (Brown)  
1322, rules suspended 1356, jt rule 10 1504, K 1521
- SB 233** Establishing a commission to recommend three candidates for all judicial appointments. (Jacobson)  
1322, jt rule 10 1502, psd 1559-1560, 1612, H nonconc, JC 2266
- SB 234** Providing a limited tuition assistance to New Hampshire high school graduates who wish to attend accredited institutions of higher learning within the state; and making an appropriation therefor. (Jacobson)  
1322, Finance 1437, jt rule 19 1610, am 1615-1617, psd 1669, H nonconc 2307
- SB 235** Pertaining to open charge accounts and the maximum allowable interest. (Spanos)  
1322, Died 2583
- SB 236** Providing due process in the right of appeal for suspended state employees. (Porter & Nixon)  
1322, jt rule 10 1502, psd 1560-1561, 1612, H conc 2190, enr 2394 (Chapter 466)
- SB 237** Re food programs operated for benefit of elderly on school property. (Bossie)  
1322, jt rule 10 1500, psd 1516, 1536, recon rej 1538, conc H am 2289, enr 2426 (Chapter 513)
- SB 238** Changing the name of the Berlin Wayside Area in the capital appropriations of 1971. (Lamontagne)  
1322, jt rule 10 1503, psd 1564, 1612, H conc 1761, enr 1823 (Chapter 253)
- SB 239** Re regulating Sunday activities in towns of over ten thousand. (Brown)  
1322, jt rule 10 1501, psd 1552-1553, 1612, conc H am 1765, enr 2040 (Chapter 254)
- SB 240** Authorizing the transfer of Norman S. Cook, Helen J. Hurley and Pauline Kolongis from the New Hampshire Teachers' Retirement Association to the New Hampshire Retirement System. (S. Smith)  
1322-1323, jt rule 19 1611, K 1620-1621

- SB 241** Permitting the sale of alcoholic beverages in certain curling clubs. (McLaughlin)  
1323, jt rule 10 1505, psd 1567, 1613, H conc 2107, enr 2395 (Chapter 439)
- SB 242** Providing that a felon convicted for robbery or arson may obtain an alcoholic beverage license. (R. Smith)  
1323, jt rule 10 1505, K 1530-1531
- SB 243** Re minimum standards and other requirements for employee welfare, pensions, and profit sharing retirement funds. (Downing)  
1323, jt rule 10 1505, study 1567-1568
- SB 244** To reorganize the present fire service training program. (Sanborn)  
1323, jt rule 10 1501, psd 1577-1578, 1613, H conc 2288, enr am 2424-2425, enr 2444 (Chapter 541)
- SB 245** Re the duties of the state treasurer and director of the division of accounts. (S. Smith)  
New title: Re the duties of the state treasurer, the director of the division of accounts and the department of centralized data processing and re the lapsing of appropriations.  
1323, jt rule 10 1501, am & Finance 1547, am 1695-1696, psd 1703, conc H am 2289, enr 2419 (Chapter 493)
- SB 246** Allowing persons sixty-five years of age and over a fifteen hundred dollar exemption from the interest and dividends tax. (Bossie)  
1323, jt rule 10 1504, K 1570
- SB 247** Re the civil action of replevin. (Jacobson)  
1323, jt rule 10 1502, psd 1561-1562, 1612, H conc 2191, enr 2394 (Chapter 467)
- SB 248** Authorizing the governor to enter into a contract with schools of dental medicine to guarantee openings for qualified New Hampshire students and making an appropriation therefor. (S. Smith)  
1323, jt rule 10 1500, am & Finance 1544-1545, psd 1629, 1670, H conc 2288, enr am 2425, enr 2444 (pocket vetoed)
- SB 249** Re education in the field of property tax administration and making an appropriation therefor. (R. Smith)  
1323, jt rule 19 1610, psd 1618, 1669, H nonconc 2266
- SB 250** To permit the Barrington school district to withdraw from the Rochester authorized regional enrollment plan. (Green)  
1359, rules suspended 1405, jt rule 10 1500, psd 1517-1518, 1538, conc H am 2288-2289, enr 2426 (Chapter 514)
- SB 251** Requiring bicycle riders to obey the rules of the road. (Claveau)  
1359, jt rule 10 1502, am 1562-1563, psd 1612, H conc 2107, enr 2395 (Chapter 440)
- SB 252** Providing for a reduction in the costs of administration of the Manchester district court. (Provost)  
1359, jt rule 10 1502, am 1563-1564, psd 1612, H conc 1969, enr 2040 (Chapter 286)
- SB 253** Increasing the membership on the Ambulance Service Coordinating Board. (Preston)  
1359, LT 1454, jt rule 10 1503, psd 1535, 1538, H nonconc 2035
- SB 254** Re temporary investment of excess reserves of savings banks in federal funds. (Poulsen)  
1359-1360, jt rule 10 1499, psd 1516, 1536, H conc 2106, enr 2395 (Chapter 441)
- SB 255** Re payment by the state of the cost of educating children living in foster homes and making an appropriation therefor. (Jacobson)  
1360, rules suspended 1405, jt rule 10 1500, K 1516-1517

See also Subject Index preceding this index

- SB 256** Extending the application period for licensed public accountants. (Claveau)  
1360, jt rule 10 1505, psd 1568, 1613, conc H am 2269, enr 2426 (Chapter 515)
- SB 257** Re regulation of refrigeration technicians. (Brown)  
1360, jt rule 10 1505, LT 1568, am 1661-1662, psd 1670, H nonconc 2108
- SB 258** Re the legal length of lobsters. (Foley & Preston)  
1360, Died 2583
- SB 259** To repeal statutes providing emergency medical transportation services. (Lamontagne)  
1360, LT 1454, jt rule 10 1503, IP 1536
- SB 260** Re the terms of office of members of the commission on the status of women. (Foley)  
1404, rules suspended 1405, jt rule 10 1501, psd 1553, 1612, H conc 1969, enr 2040 (Chapter 287)
- SB 261** Providing for the election of members to the county conventions as a separate county office. (Jacobson)  
1404, rules suspended, hearing 1405, jt rule 10 1501, psd 1553-1554, 1612, H nonconc 2108
- SB 262** Re an alternate form of county government. (Bradley)  
1410, jt rule 10 1501, psd 1554, 1612, H nonconc, study 2287
- SB 263** Requiring quality service from public utilities. (Brown)  
1410, jt rule 10 1503, study 1564-1565
- SB 264** Re the penalty for vehicles exceeding gross weight and modifying the legal width of motor vehicles. (Lamontagne & Poulsen)  
First new title: Providing exceptions to the over-all width of motor vehicles.  
Second new title: Providing exceptions to the over-all width of motor vehicles and allowing a 5% tolerance for weight limitations.  
1410, jt rule 10 1503, am 1565-1566, psd 1612, conc H am 2224, enr 2394 (Chapter 468)
- SB 265** Re witness fees for law enforcement officials. (Nixon)  
1410, jt rule 10 1502, psd 1597-1599, 1613, conc H am 2190, enr 2420 (Chapter 499)
- SB 266** To approve a road in Merrimack under RSA 162-A:6-b at private expense. (Nixon)  
1445, jt rule 10 1504, am 1636-1637, psd 1670, H nonconc 2307
- SB 267** Re dual enrollment and child benefit services. (Jacobson et al)  
1445, jt rule 10 1500, am & Finance 1545-1546, am 1677-1678, psd 1684, H conc 2288, enr 2420 (Chapter 501)
- SB 268** Conforming civil actions commenced by attachment and/or trustee process to constitutional due process limitations. (Jacobson)  
New title: Conforming civil actions commenced by attachment and/or trustee process to constitutional due process limitations and providing for a study of current attachment procedures by the judicial council.  
1445, jt rule 10 1502, rules suspended 1536, psd 1555, 1612, conc H am 2190, enr am 2409-2410 (Chapter 537)
- SB 269** Re gross weight of motor vehicles. (Lamontagne)  
rules suspended & LT 1489-1491, intro 1520-1521, psd 1637-1638, 1670 (Died)
- SB 270** To repeal charters of certain corporations. (S. Smith)  
intro & psd 1728-1729, 1746, 1762, conc H am 2268, enr 2426 (Chapter 516)

## SENATE JOINT RESOLUTIONS

- SJR 1** Establishing a committee to study the effect on the state government resulting from population growth, including the present and potential consequences re pollution of land, water, and air; the economic, social and educational problems associated with this growth; and making an appropriation therefor. (Foley)  
44-45, am & Finance 136-138, am 238-241, psd 254-255, H nonconc 2266
- SJR 2** Providing a supplemental appropriation for school building aid. (Downing)  
58, com changed 70-72, am (RC) 106-111, psd 118, H conc & enr 238 (Chapter 16)
- SJR 3** Making an appropriation for funds to pay actuary costs to determine the contribution required of the state to include in the state retirement plan. (Lamontagne)  
135, psd 578, 583, H nonconc 1128
- SJR 4** To reimburse Michael Savchick for efforts as project coordinator in the water pollution abatement of the Androscoggin River. (Lamontagne)  
211, am & Finance 970-975, am 1334-1338, psd 1357, H nonconc 1799
- SJR 5** Providing a supplemental appropriation for the cancer commission. (Gardner)  
270, Finance 624, psd 787-788, 797, H conc 1286, enr 1326 (Chapter 164)
- SJR 6** Re retirement credit for Francis J. Donahue. (Trowbridge)  
364, Finance 645-646, am 1379-1380, psd 1406, H nonconc 2181
- SJR 7** Providing a supplemental appropriation for the N.H. historical commission. (R. Smith)  
487, psd 785-786, 796, H nonconc 1249
- SJR 8** Re retirement credit for Mary S. Downey. (Ferdinando)  
555, Finance 1136, psd 1340, 1357, nonconc H am, conf 2269, 2407, rep adop 2503, 2530, enr 2561 (Chapter 577)
- SJR 9** Making an appropriation for additional office space for water resources board and state tax commission. (S. Smith)  
754, psd 890, 905, H conc 1413, enr 1499 (Chapter 203)
- SJR 10** Making an appropriation for the leasing of Pillsbury St. building. (S. Smith)  
754, psd 890-891, 905, H conc 1413, enr 1499 (Chapter 187)
- SJR 11** Re retirement credit for Kenneth Lewis. (Lamontagne)  
833, Finance 1166, psd 1339, 1357, H nonconc 2181
- SJR 12** Reimbursing cities and towns for lost tax revenues and making an appropriation therefor. (Johnson)  
879, Finance 933, K 1311-1314
- SJR 13** To establish an interim study on uniform vehicle laws. (Jacobson)  
935, am 1425-1427, psd 1486, H nonconc 2287
- SJR 14** Providing a supplemental appropriation for payment of counsel for indigent defendants. (Bradley)  
995, Finance 1398, jt rule 19 1610, psd 1618, 1669, H conc 2106, enr 2395 (Chapter 442)
- SJR 15** Establishing an interim committee to study RSA 79 and the performance of the yield tax. (S. Smith & Poulsen)  
1030, psd 1183, 1185, H conc 2107, enr 2395, com member appointed 2587 (Chapter 443)

See also Subject Index preceding this index



- SJR 16** Re retirement credit for Thomas A. Bolton. (Claveau)  
**First new title:** Re retirement credit for Thomas A. Bolton and allowing Ernest W. Weeks to enter the retirement system and receive credit for prior employment.  
**Second new title:** Re retirement credit for Ernest W. Weeks to enter the retirement system and receive credit for prior service.  
 1030, am 1621, psd 1669, conc H am 2271, enr 2427 (Chapter 518)
- SJR 17** Establishing a committee to study the adequacy of laws re the confidentiality of the records of state agencies. (Bradley)  
 1187, psd 1430, 1486, conc H am 1801, enr 2097, com members appointed 2587 (Chapter 305)
- SJR 18** Making an appropriation for purchase by the state of gasoline storage tanks and pumps. (Trowbridge)  
 intro & Finance 1188, psd 1595-1597, 1613, conc H am 2216, enr 2393 (Chapter 480)
- SJR 19** Making an appropriation for the planning and design of the proposed Alan B. Shepard state park in Derry. (Brown)  
**New title:** Re the planning and design of the proposed Alan B. Shepard state park in Derry.  
 1248, am & Finance 1462-1463, jt rule 19 1610, psd 1617, 1669, nonconc H am, conf 2268, 2423, rep adopt 2503, 2561, enr 2576 (Chapter 591)
- SJR 20** Providing for an additional appropriation for expenses of the legislature. (Trowbridge)  
 1284, LT 1285-1286, psd 1294-1295, 1320, H conc 1489, enr 1499 (Chapter 190)
- SJR 21** Re retirement credit for Lawrence E. Marchand, employee of the city of Berlin. (Lamontagne)  
 1323, psd 1589-1590, 1613, H nonconc 2265
- SJR 22** To reimburse Charles and Catherine Valenti for damage to their water supply. (Claveau)  
 1360, jt rule 10 1499, Finance 1528-1530, LT 1677, am 1678-1679, psd 1684, H conc 2263, enr 2398 (Chapter 459)

#### SENATE CONCURRENT RESOLUTIONS

- SCR 1** Memorializing Congress concerning Memorial Day and Veteran's Day. (Lamontagne)  
 adopt 115-116, H conc 287
- SCR 2** Memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber. (Poulsen)  
 125, adopt 157-158, H conc 414
- SCR 3** Memorializing the Congress of the U.S. to enact legislation which will grant the social security increase without having any welfare assistance reduced. (Lamontagne)  
 125, adopt 187-189, H conc 270
- SCR 4** Re the National Service Life Insurance for veterans. (Lamontagne)  
 415, adopt 602, H conc 1489
- SCR 5** To propose a joint convention of the House and Senate for the purpose of providing effective and responsive joint rules by which to work together for the remainder of the session. (Poulsen)  
 adopt 564-565
- SCR 6** Re the effect of the federal budget cutbacks on the fiscal affairs of the state of New Hampshire. (Poulsen)  
 intro & SO 690, adopt 725-726, H conc 1413

**SCR 7** Regarding air operations over Cambodia.  
998, K 1215-1219, recon rej 1232, H nonconc 1799

**SCR 8** Providing for the establishment of a joint legislative committee on improvement of law enforcement and criminal justice.  
1043, K 1386-1388, recon & adop 1392-1397, H nonconc 2035

**SCR 9** Memorializing the commissioner of public works and highways to proceed with the construction of the Nashua-Hudson Circumferential Highway as rapidly as funds become available. (Claveau)  
1448-1449, adop 1666-1668, H conc 2265

**SCR 10** Re the flag pole at the old Post Office. (Jacobson)  
1767, K 1999

### HOUSE BILLS

**HB 1** Re the qualification and appointment of the superintendent, assistant superintendent and the assistant superintendent for professional services of the N.H. hospital.  
135, psd 178-182, 202, enr am 203-204, enr 205 (Chapter 10)

**HB 3** Re the appropriation of funds for the use of the governor.  
204, K 515

**HB 4** Providing workmen's compensation coverage for all volunteer or auxiliary members of an ambulance service, whether paid or not paid.  
105, psd 644-645, 672, enr 705 (Chapter 82)

**HB 7** Providing that resident persons who have attained the age of 65 shall be admitted without charge to certain state recreational areas and allowed the use of facilities therein without charge.  
144, rcm 1524, am 2197-2198, psd 2285, H conc 2406, enr 2425-2426 (Chapter 503)

**HB 8** Repealing the bounty on bobcats.  
158, psd 353-355, 363, enr 444 (Chapter 57)

**HB 9** To provide for the adoption of absentee voting at certain town, village district and school district annual elections.  
204, psd 515-516, 522, enr 556 (Chapter 59)

**HB 10** Re the registration and operation of off highway recreational vehicles and making an appropriation therefor.  
1687, am & Finance 2198-2200, psd 2229, 2287, H conc 2407, enr am 2469, 2472-2473, enr 2491 (Chapter 560)

**HB 13** Prohibiting motorboats powered by fuel on Brindle Pond.  
144, SO 1183, psd 1236-1237, 1239, enr am 1326, 1404, enr 1413 (Chapter 181)

**HB 14** Abolishing the six month residency requirement for voting.  
New title: Abolishing the six month residency requirement for voting; repealing the provision for transfer cards; and providing that voters must be registered ten days before an election.  
1164, psd 2014, 2036, enr am 2206, 2266-2267, enr 2397 (Chapter 416)

**HB 20** Removing the requirement of public convenience and necessity for common carriers by motor vehicles.  
New title: Re the carrying of property for hire by motor vehicles and establishing a classified position of transportation analysis in public utilities commission.  
1685, am 2309-2312, psd 2316, H nonconc, conf 2421, rep adop 2560 (H nonconc)  
See also Subject Index preceding this index

**HB 32** Providing for qualification of bridge inspectors, making bridge inspection a prerequisite for application for bridge aid, and requiring state assistance in bridge inspection.

New title: Re the inspection of bridges.

92, am & Finance 1780-1782, psd 2030, 2038, H nonconc, conf 2102-2103, rep adop 2442-2444, 2469, enr 2490 (Chapter 554)

**HB 33** Requiring meat slaughterhouses and processing plants to pay the cost of inspections conducted outside of regular business hours.

New title: Requiring poultry and meat slaughterhouses and processing plants to pay the cost of inspections conducted outside of regular business hours, and providing for overtime pay for employees of the department of agriculture.

1497, am 2021-2022, psd 2037-2038, H nonconc, conf 2102, 2288, rep adop 2390-2392, 2406, enr 2444 (Chapter 542)

**HB 35** Re the distribution of court reports to various officers and bodies.

91, psd 220, 233, enr 257 (Chapter 18)

**HB 36** Re the notification of foreign corporations of suspension for nonpayment of fees.

91, psd 144-145, 156, enr 176 (Chapter 7)

**HB 37** Re filing first annual returns by corporations.

91, psd 145, 156, enr 176 (Chapter 8)

**HB 38** Re the N.H. American Revolution Bicentennial Commission.

1496, psd 1752-1753, 1759, enr 1800 (Chapter 229)

**HB 39** Re the prohibition of county commissioners from simultaneously holding any other county office.

91, psd 145-146, 156, enr 176 (Chapter 9)

**HB 43** Re controlling use of heating or agitating devices in the waters of this state.

175, am 719-721, psd 729, H nonconc, conf 805, 1736, rep adop 1764-1765, 1799, enr am 2108, enr 2262 (Chapter 321)

**HB 44** To abolish the water commission in the town of Meredith and transfer its functions to the selectmen.

95, psd 213, 232, enr 257 (Chapter 19)

**HB 45** Re secretary of state transferring reports of state agencies to state library.

95, psd 213, 232, enr 257 (Chapter 20)

**HB 46** Re the mode of hunting deer in the town of Chester.

91, SO 226-229, 267, psd 279-282, 283, enr 364 (Chapter 31)

**HB 47** Re changing the name of the N.H. Soldiers' Home to the N.H. Veterans' Home.

95, psd 138, 143, enr 144 (Chapter 6)

**HB 48** Re enforcement of orders of tax commission for abatement of taxes.

343, psd 516, 523, enr am 915-917, 970, enr 998 (Chapter 121)

**HB 52** Changing the name of the N.H. Industrial School to the N.H. Youth Development Center.

65, psd 182, 202, enr 205 (Chapter 17)

**HB 53** Prohibiting the use of motorboats on the Cocheco River within the city limits of Rochester.

175, am 1526-1527, psd 1537, H conc 1615, enr am 1700-1701, enr 1762 (Chapter 220)

**HB 54** Re the passage of testate or intestate real and personal property to surviving spouse and to other persons.

1675, psd 1977-1978, 2009, enr 2096 (Chapter 293)

- HB 56** Making certain corrections in statutory references to gambling.  
105, psd 321, 338, enr 443 (Chapter 40)
- HB 62** Re the incorporation of a state bank or trust company.  
New title: Re the incorporation of trust companies and savings banks and relative to the establishment of branch banks.  
105, am 405-407, psd 409, recon & rcmt 413, am 531-534, psd 554, H nonconc, conf 1688, 1729, rep adop 2174-2178, 2265, enr 2426 (Chapter 504)
- HB 65** Establishing a fee for duplicate copies of photographic licenses.  
105, psd 213, 233, enr 257 (Chapter 21)
- HB 66** Establishing a flat rate registration fee for all passenger motor vehicles except trucks and providing for a monthly proration of the fee.  
1496, LT 2061-2062, IP 2282-2284
- HB 68** Re weights and measures standards.  
1496, psd 1783-1784, 1794, enr am 2077, 2110, enr 2275 (Chapter 347)
- HB 70** Providing for the withdrawal of the town of Londonderry from supervisory union #10.  
143-144, K 1450-1451
- HB 72** Re requirements and prohibitions for county officers and employees.  
175, am 844-845, psd 872, H conc 907, enr 997 (Chapter 109)
- HB 73** Providing for better control over subdivision development of land in New Hampshire.  
238, SO 626-629, psd 670-671, 672, enr 705 (Chapter 80)
- HB 74** Re regulation of the practice of pharmacy.  
1663, am 2056-2057, psd 2098, H conc 2264, enr 2398 (Chapter 453)
- HB 75** Re fines for depositing litter in prohibited areas.  
158, psd 744-745, 747, enr 805 (Chapter 90)
- HB 78** Authorizing the bank commissioner with the consent of the superior court to appoint the federal deposit insurance corporation as liquidating agent of a closed or insolvent New Hampshire bank.  
95, psd 176, 202, enr 205 (Chapter 11)
- HB 81** Increasing the amount of political expenditures authorized for candidate in primary elections seeking the office of governor, U.S. senator, representative in Congress, governor's councilor, county officer, state senator or representative to the general court.  
204, K 507-510
- HB 88** Re the election of officers of cooperative school districts at town meetings and the time of taking office.  
144, psd 264-266, 269, enr 270 (Chapter 29)
- HB 89** Re stallions running at large.  
105, psd 422-423, 441, enr 443 (Chapter 41)
- HB 90** Re removing the limit on horned pout.  
New title: Repealing the limit on horned pout.  
91, psd 230, 233, enr am 257-258, 287, enr 364 (Chapter 32)
- HB 95** Requiring distribution of a list of family planning agencies and services available in N.H. with the issuance of every marriage license.  
343, K 625, recon notice 637, SO 690-693, 824-825, 864-865, psd 925-931, enr am 1072, 1082-1083, enr 1184 (Chapter 132)

See also Subject Index preceding this index

- HB 96** Providing that alternate members may be appointed to zoning boards of adjustment.  
136, am 348-349, psd 363, H nonconc, conf 415, rep adop 2179-2180, 2265, enr 2426 (Chapter 505)
- HB 98** To provide for substitute ex officio member for the director of fish and game on the pesticide control board.  
125, psd 438, 441, enr 443 (Chapter 42)
- HB 101** Re aircraft financial responsibility.  
105, am 975-976, psd 993, H nonconc, conf 1083, rep adop 1665-1666, enr 1700, H conc 1701 (Chapter 213)
- HB 102** Providing for the disposition of accumulated interest on funds collected pursuant to 1969, 391:1 and for the repayment of the Vermont grant for the Lebanon Regional Airport; and making an appropriation therefor.  
637, psd 1089-1090, 1100, enr 1190 (Chapter 139)
- HB 103** To provide for the disposition of abandoned aircraft.  
105, psd 295-296, 306, enr 364 (Chapter 33)
- HB 104** Re changing the structure for determining aircraft registration fees.  
95, psd 296, 306, enr 364 (Chapter 34)
- HB 105** Re setting traps for the taking of fur-bearing animals.  
92, SO 229, psd 253-254, 255, enr 257 (Chapter 22)
- HB 106** Eliminating the filing period for absentee registration and making absentee registration forms available from city or town clerks.  
204, psd 516, 523, enr 585 (Chapter 60)
- HB 110** Re maliciously letting loose vessels.  
144, am 682-683, psd 698, H conc 705, enr 731 (Chapter 87)
- HB 111** To repeal peace bond on appeal from conviction for driving while intoxicated, under the influence of drugs, or recklessly.  
New title: To repeal peace bond on appeal from conviction for driving while intoxicated or under the influence of drugs.  
211, SO 617, am 662-670, psd 673, H conc 771, enr 805 (Chapter 91)
- HB 113** Re taking fresh water smelt by bait dealers.  
92, K 229-230
- HB 114** Prohibiting persons from seeking or holding the position as a member of the general court and county commissioner at the same time.  
92, IP 1137-1145
- HB 117** Re the qualification of municipal planning board members.  
211, psd 2117, 2186, enr am 2489, enr 2550 (Chapter 571)
- HB 120** Re the maintenance of a certain section of highway in the city of Lebanon.  
1496, psd 1749-1750, 1759, enr 1800 (Chapter 230)
- HB 121** Re exemption from resident tax of members of the armed forces.  
95, SO 139, psd 155, 156, enr 365 (Chapter 35)
- HB 122** Providing for rules of professional conduct in the practice of engineering.  
158, am 355-356, psd 363, H conc 391, enr 443 (Chapter 43)
- HB 123** Providing for the acquisition of the Kelley Falls dam and water rights by the water resources board and making an appropriation therefor.  
1673, Finance 1748, psd 2023, 2038, enr am 2206, 2266, enr 2397 (Chapter 417)



- HB 124** To reclassify a certain section of highway in the town of Jaffrey.  
364, psd 860, 872, enr 958 (Chapter 105)
- HB 125** Re propagating or possessing for sale wild turkeys.  
95, psd 230, 233, enr 257 (Chapter 23)
- HB 128** Enabling the director of Fish and Game to enter into cooperative agreements with individuals, partnerships and corporations re fishways and other matters.  
343, psd 579, 583, enr 614 (Chapter 67)
- HB 129** Increasing the authority of the town of Lincoln to issue emergency notes.  
1673, K 2059
- HB 130** Re the rules of the road.  
95, psd 246-248, 255, enr 257 (Chapter 24)
- HB 131** Re penalty for violation of rules and regulations relative to lobsters, crabs and fin fish.  
105, psd 296-297, 306, enr 365 (Chapter 36)
- HB 132** Re definition of resident under fish and game laws.  
175, psd 438-439, 441, enr am 443, 528, enr 585 (Chapter 61)
- HB 139** Re the license fee required for oystering or clamming.  
175, psd 427-428, 441, enr 443 (Chapter 44)
- HB 140** Re additional requisites for approval of subdivisions by planning boards.  
105, psd 320, 338, enr 444 (Chapter 45)
- HB 141** Re modification of the business profits tax.  
1706, am 2207-2209, psd 2285, H nonconc, conf 2404, rep adop 2496-2498, 2530, enr 2560 (Chapter 579)
- HB 142** Re zoning law procedure.  
237, am 2276-2278, psd 2287, H nonconc 2406
- HB 143** Re the form of fish and game licenses.  
105, SO 297, psd 336-337, 338, enr 444 (Chapter 46)
- HB 146** Re the power of Hesser College, Concord College and New England Aeronautical Institute to grant degrees and re Pierce College for Women.  
204, psd 614-615, 635, enr 644 (Chapter 73)
- HB 148** Re furnishing generic as well as brand names of prescription drugs.  
1687, rcmt 2023, SO 2027, am & psd (RC) 2233-2237, 2253, H conc 2407, enr am 2437, 2442, enr 2477 (Chapter 373)
- HB 150** Providing for solid waste disposal and resource recovery.  
1686, Finance 1986, am 2156-2158, psd 2188, H nonconc, conf 2272, rep adop 2486-2487, enr 2502 (Chapter 570)
- HB 151** Establishing a solid waste committee; providing for development of a solid waste disposal program and making an appropriation therefor.  
1706, Finance 1748, psd 2058, 2099, enr 2398, com member appointed 2585 (Chapter 454)
- HB 153** Increasing the term of office of the county treasurers, registers of deeds and the registers of probate.  
135, IP 1145-1149
- HB 154** Increasing the debt limit for the Gilford school district.  
intro & psd 62, 64, enr 65 (Chapter 1)

See also Subject Index preceding this index

- HB 155** Re penalty for false statements for purpose of procuring fish and game licenses.  
175, psd 439, 441, enr 444 (Chapter 47)
- HB 157** Providing for stamping of beaver, otter or fisher skins and permitting the sale of such skins.  
211, psd 437, 441, enr 444 (Chapter 48)
- HB 158** Legalizing the vote authorizing the issuance of certain bonds by the town of Hanover.  
135, psd 213-214, 233, enr 238 (Chapter 14)
- HB 160** Increasing the lending limit of trust companies on real estate mortgages in New England.  
105, psd 177, 202, enr 205 (Chapter 12)
- HB 161** Legalizing the annual town meeting of the town of Warren.  
125, psd 513, 522, enr 585 (Chapter 62)
- HB 163** Re the compensation paid to members of county conventions.  
390, psd 1047-1048, 1075, enr 1184 (Chapter 133)
- HB 165** Re granting of licenses for hawkers and peddlers.  
287, LT 2161, IP 2223
- HB 169** Re certain procedures for issuing bonds or notes in excess of one hundred thousand dollars.  
135, am 214-219, psd 233, H conc 238, enr 257 (Chapter 25)
- HB 170** Re overtaking and passing upon the right of another vehicle.  
204, psd 423-424, 441, enr 444 (Chapter 49)
- HB 171** Increasing the maximum pension allowed for certain firemen, police officers and constables.  
175, psd 511, 522, enr 586 (Chapter 63)
- HB 178** Re the amount of fees to be collected by the register of deeds for Rockingham county.  
1361, K 2011
- HB 179** Providing that the salaries of registers of deeds of all counties except Coos and Carroll be a fixed amount and all fees for their services be paid to the respective county treasurer, and providing special provisions for registers of deeds of Coos and Carroll counties.  
New title: Providing that the salaries of registers of deeds of all counties except Coos and Carroll be a fixed amount and all fees for their services be paid to the respective county treasurer, and that special provisions be made for the registers of deeds of Coos and Carroll counties, and providing for an increase in the mileage allowance for sheriffs and deputies of certain counties.  
772, rcmt 1046, am 2256-2257, psd 2258, H conc 2406, enr am 2436, 2442, enr 2477 (Chapter 415)
- HB 182** Providing for the perambulation of the N.H.-Massachusetts boundary line and funding the perambulation of the N.H.-Maine boundary line and making appropriations therefor.  
1685, psd 1970-1971, 2008, enr 2096 (Chapter 294)
- HB 183** To provide right of way for highway purposes through New Hampshire Hospital land.  
204, psd 425, 441, enr 444 (Chapter 50)
- HB 185** Re the charter of the town of Hanover.  
95, psd 219-220, 233, enr 238 (Chapter 15)

- HB 190** Re the petition for proportionate refund of an operator's license fee.  
136, psd 249-250, 255, enr 257 (Chapter 26)
- HB 192** Re the definition of civil defense and the civil defense executive council.  
175, psd 510-511, 522, enr 586 (Chapter 69)
- HB 193** Requiring open vehicles to be covered when carrying particulate material.  
584-585, am 1454-1461, psd 1487, am printed 1797-1798, H nonconc, conf 2003, 2474, rep adop 2498-2499, 2530, enr 2561 (Chapter 573)
- HB 194** Authorizing the establishment of capital reserve funds for the cost of tax mapping and reappraisal of real estate.  
175, psd 356-357, 363, enr 444 (Chapter 51)
- HB 195** Re semi-annual collection of taxes in cities and towns.  
364, psd 806, 831, enr am 996, 1083, enr 1084 (Chapter 128)
- HB 199** Requiring spark arrestors on motor vehicles operating in woodlands without snowcover.  
New title: Requiring suitable exhaust systems on motorized vehicles and equipment operating in woodlands without snowcover.  
675, psd 1098, 1100, enr am 1189, 1190, enr 1249-1250 (Chapter 167)
- HB 200** Re right of entry upon any lands in the state by forest fire control personnel in the performance of their duties and providing penalty for interference with same.  
105, psd 297-298, 306, enr 365 (Chapter 37)
- HB 201** Changing the name of the Ash Street Bridge in the town of Londonderry to the Robert J. Prowse Memorial Bridge.  
95, psd 248, 255, enr 257 (Chapter 27)
- HB 202** Outlining procedures and providing for search and rescue operations and making an appropriation therefor.  
1686, Finance 1748, psd 2194-2195, 2285, enr 2394 (pocket vetoed)
- HB 203** Re optional election of planning board members in towns.  
237, K 2050-2051
- HB 204** Establishing a fruit, wine, and marketing advisory committee in New Hampshire.  
New title: Establishing a New Hampshire fruit marketing committee.  
204, am (RC) 462-471, psd 485, H conc 528, enr 586 (Chapter 64)
- HB 205** Re voter registration by town and city clerks.  
364, am 949-951, psd 963, H conc 995, enr 998 (Chapter 124)
- HB 206** Re the distribution of resident tax revenues.  
1706, psd 2207, 2285, enr 2394 (Chapter 469)
- HB 208** Re classification of highways, highway aid apportionment and highway regulation.  
1496, psd 2170, 2189, enr 2397 (Chapter 418)
- HB 213** Allowing Manchester to start its decennial verification of its checklist on February 1.  
intro & psd 92, 93, enr 94 (Chapter 2)
- HB 217** Re removal of junked vehicles along federal-aid highways.  
175, psd 298, 306, enr 365 (Chapter 38)
- See also Subject Index preceding this index

- HB 218** Permitting the sale of sweepstakes tickets and authorizing incentive awards to ticket sellers.  
1685, psd 2082, 2100, enr am 2309, enr 2419 (Chapter 484)
- HB 220** Re the duties of the Merrimack county treasurer.  
144, com changed 200, psd 1149, 1158, enr 1190 (Chapter 146)
- HB 222** Requiring druggist to post a list of prescription drug prices.  
556, psd 1344-1345, 1357, recon rej 1358, enr 1498 (Chapter 191)
- HB 224** To reclassify a certain section of highway in the town of Orange.  
995, psd 1296-1297, 1320, enr 1361 (Chapter 175)
- HB 226** Re definitions in the passenger tramway law and the costs of inspecting aerial tramways.  
175, psd 438, 441, enr 444 (Chapter 52)
- HB 228** Re requirements for renewal of chiropractor's license.  
237, am 538-540, psd 554, H conc, enr 638 (Chapter 75)
- HB 229** Allowing chiropractors to participate in medical service corporations.  
238, psd 540, 554, enr 586 (Chapter 65)
- HB 230** Requiring that the mayor of the city of Nashua be elected by majority vote and providing for a run-off election to the same.  
intro & com changed 287, psd 537-538, 554, enr 586 (Chapter 71)
- HB 232** Re changing the type of notice required to one who has failed to reregister as an eligible voter.  
New title: Re the process of reregistration of eligible voters.  
212, SO 946-949, am 988-990, psd 994, H nonconc, conf 1083, rep adop 1197-1199, 1286, enr 1326 (Chapter 158)
- HB 233** Re the amount of fees to be charged by the registers of deeds.  
204, am 944-946, psd 963, H nonconc, conf 996-997, rep adop 1701-1702, 1710, enr 1732 (Chapter 217)
- HB 242** Re five percent interest on tenant's security deposit.  
238, psd 743-744, 746, recon & rcmt 755, SO 1181-1183, LT 1298-1299, Died 2584
- HB 245** Naming Ragged Mountain Highway.  
211, psd 425-426, 441, enr 444 (Chapter 53)
- HB 246** Re reimbursement of certain towns for district court sessions held within such towns.  
256, psd 1101-1102, 1125, enr 1191 (Chapter 147)
- HB 247** Re a two lane extension of the Spaulding Turnpike.  
1707, am & Finance 2065-2067, am 2278-2279, psd 2287, H conc 2407, enr am 2469-2470, enr 2491 (Chapter 559)
- HB 248** Re the construction or reconstruction of a bridge in the town of Jefferson.  
1496, Finance 1729, psd 2030-2031, 2038, enr 2262 (Chapter 325)
- HB 249** Re the power of Castle Junior College to grant a degree.  
158, psd 252-253, 255, enr 257 (Chapter 28)
- HB 250** Requiring that no more favorable loan terms be granted by banks to officers thereof than to others.  
256, psd 732-734, 746, enr 805 (Chapter 92)
- HB 254** Specifying certain deductions which must be allowed proprietorships and partnerships in calculating the business profits tax.  
1496, psd 2082, 2100, enr 2384 (Chapter 403)

- HB 255** Permitting the employment in a school district of a learning disability teacher.  
286, rcmt 646, psd 1300-1301, 1320, enr am 1570-1571, 1614, enr 1676 (Chapter 209)
- HB 256** Re outdoor advertising on the interstate, federal-aid systems and turn-pikes.  
1286, psd 1750, 1759, enr 1800 (Chapter 231)
- HB 257** Re the prohibition of certain promotional games.  
New title: Re the prohibition of certain promotional games at gas stations.  
175, LT 1994, am 2168-2170, psd 2188, H nonconc, conf 2271, rep adop 2428-2429, 2440, 2442, enr am 2469, 2471-2472, enr 2491 (Chapter 555)
- HB 258** Re the debt limit of the Londonderry school district.  
144, psd 263-264, 269, enr 270 (Chapter 30)
- HB 260** Limiting to two sets the number of legislative registration plates.  
211, SO 1183, am 1232-1233, psd 1239, H conc 1286, enr 1326 (Chapter 163)
- HB 261** To provide for a uniform fire and safety code applicable to all towns and village districts of the state.  
New title: To provide for a uniform fire and safety code applicable to all towns and village districts of the state and to provide construction standards for certain public buildings.  
211, SO 707-713, am 822-824, psd 831, H conc 844, enr 997 (Chapter 107)
- HB 262** Changing the appropriation for the purchase of the so-called New Hampshire Savings Bank building to the purchase and renovation of office space and parking area in the city of Concord.  
204, com changed 267, psd 475-478, 485-486, enr 520 (Chapter 39)
- HB 263** Repealing the statute re sewage disposal systems on islands.  
391, psd 623, 636, enr 638 (Chapter 76)
- HB 265** Re the commitment of children to the industrial school for an offense.  
556, IP (RC) 1259-1270, recon notice 1288, rej 1292-1293
- HB 266** Re salary increases upon certification and eligibility for certification of certain medical personnel.  
1286, Finance 2022-2023, psd 2194, 2285, enr 2394 (Chapter 470)
- HB 269** Re diseases characteristic of the occupation of firefighting.  
309, am & psd 2219-2221, H conc 2406, enr 2426 (Chapter 506)
- HB 270** Re county elections and vacancies of county offices.  
New title: Re county elections.  
237, am 849-850, psd 872, H nonconc, conf 907-908, 960, rep adop 1723-1724, 1761, enr 1823 (Chapter 244)
- HB 271** Providing that lump sum payments under workmen's compensation shall include reasonable attorney's fees.  
310, K 1155
- HB 272** Increasing the sum paid for care of mentally ill persons in foster homes.  
1663, Finance 1777-1778, psd 2059-2060, 2099, enr 2384 (Chapter 404)
- HB 278** Providing for overtime payment for the inspectors in the office of the state fire marshal.  
1685, psd 2058-2059, 2099, enr 2396 (Chapter 421)
- HB 280** Re state registration certificates for airmen.  
237, psd 424-425, 441, enr 444 (Chapter 54)  
See also Subject Index preceding this index



**HB 283** Providing for the acquisition of certain dam and water rights on New-found Lake in the town of Bristol by the water resources board and making an appropriation therefor.

1673-1674, Finance 1748, psd 2024, 2038, enr am 2260-2261, 2306-2307, enr 2396 (Chapter 420)

**HB 284** Increasing the fireman's relief fund.

1413, psd 1754-1755, 1760, enr 1800 (Chapter 232)

**HB 286** Re the taking of clams from the ocean waters of New Hampshire.

674, rcmt 1091-1093, am 1522-1523, psd 1537, H conc 1614, enr 1676 (Chapter 210)

**HB 289** Providing that banks which give mortgages on real property may not levy a service charge against the seller of the property.

New title: Limiting banks which give mortgage loans on real property from levying certain service charges.

237, rcmt 879-887, am 1710-1711, psd 1726, H nonconc 1757, conf 1762, 1789, rep adop 2483-2484, 2495, enr 2501 (pocket vetoed)

**HB 292** Providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus.

New title: Providing for protection of persons engaged in scuba diving on the inland waters of the state.

487-488, psd 773-774, 796, enr am 941, 970, enr 998, recalled & rcmt 1071, am 1983, psd 2009, H nonconc, conf 2103-2104, rep adop 2458, 2530, enr 2561 (Chapter 574)

**HB 293** Re exemptions available for the N.H. property tax.

New title: To provide partial exemption from real estate taxes for persons 65 years of age or older, and complete exemption from real estate taxes for persons 80 years of age or older, under certain circumstances.

1492, am 2312-2315, psd 2316, H nonconc, conf 2403, rep adop 2556-2559, enr am 2577, 2580-2581 (pocket vetoed)

**HB 296** Requiring accident and health insurers and all medical and hospital service corporations to pay claims in spite of payment by another company.

238, psd 2198, 2285, enr 2394 (Chapter 471)

**HB 297** Re the standardization of reports of state agencies and distribution of state publications.

286, am 999-1000, psd 1029, H conc 1082, enr 1190 (Chapter 140)

**HB 299** To designate certain highways as bicycle trails and making an appropriation therefor.

1496, am & Finance 1983-1984, psd 2060, 2099, H nonconc, conf 2271-2272, rep adop 2484-2485, 2490, enr 2501 (Chapter 569)

**HB 300** Increasing the mileage rate for all state employees using privately-owned passenger vehicles, and making an appropriation therefor.

1674, psd 1789, 1794, enr 2041-2042 (Chapter 288)

**HB 304** Prohibiting the publication of names of the elderly receiving an exemption from property taxes.

287, psd 545-547, 554, enr 586 (Chapter 70)

**HB 307** Providing for the preservation of open space land by assessment at valuations based upon the current use thereof and by permitting discretionary easements of development rights, creating a current use advisory board and making an appropriation therefor.

1496, SO 1775-1776, am 1999-2003, psd 2004, H conc 2107, enr 2396, com member appointed 2585 (Chapter 372)

**HB 308** Re the income and operating charges of state buildings at Eastern States Exposition.

907, SO 1183, psd 1237-1238, 1239, enr 1288 (Chapter 169)

- HB 309** Re the confidentiality of business profits tax records.  
833, SO 1680-1681, psd (3 RC's) 1737-1745, enr 1762 (vetoed)
- HB 310** Re cooperative extension work at the University of New Hampshire.  
1412, psd 1755, 1760, enr 1800 (Chapter 233)
- HB 314** Re accident and health insurance issued under franchise plan.  
New title: Re accident and health insurance issued under franchise plan and re the expiration date of insurance company licenses.  
256, rcmt 444, am & rcmt 517-520, am 534-536, psd 554, H conc 585, enr 644 (Chapter 74)
- HB 315** Revising the method of payment of the debt service and maintenance of the women's dormitory at N.H. Technical Institute in Concord.  
969, psd 1177-1178, 1185, enr am 1324-1326, 1404, enr 1413 (Chapter 183)
- HB 323** Re the right to know law.  
556, psd 918-920, 934, enr 997 (Chapter 113)
- HB 325** Re games of beano.  
488, psd 920-921, 934, enr 997 (Chapter 114)
- HB 327** Permitting various types of financial institutions in N.H. to organize and/or participate in service corporations.  
414, am 2113-2114, psd 2186, H conc 2264, enr 2394 (Chapter 444)
- HB 330** To provide a limit on the number of beaver an individual may take during an open season.  
309, K 719
- HB 335** To provide for designate alternate members to serve in absence of the regular members of the New England Interstate Water Pollution Control Commission.  
585, psd 1352, 1358, enr 1498 (Chapter 192)
- HB 336** Providing for the calling of a constitutional convention.  
1412, Finance 1769, psd 2031, 2038, enr 2262 (Chapter 326)
- HB 338** Authorizing cities and towns to make payment of relocation assistance.  
238, psd 806, 831, enr 958 (Chapter 106)
- HB 341** Changing the date for distribution of sweepstakes funds.  
New title: Changing the date for distribution of sweepstakes funds and eliminating the distribution of said funds to non-public schools.  
528, am 756-766, psd 767, H conc 995, enr am 1124, enr 1191 (Chapter 148)
- HB 342** Re liability for support for relatives.  
556, psd 921-922, 934, enr 997 (Chapter 115)
- HB 343** Re the disposal of dog license fees.  
390, K 806
- HB 345** Re licensing and restraining dogs.  
390, K 807
- HB 347** To increase the fees for a recount for a delegate to a national convention.  
637, K 1149
- HB 348** Re notice of hearing by zoning board of adjustment.  
390, psd 2117, 2186, enr 2396 (Chapter 422)

**HB 349** Re census of persons as of April first.

New title: Re a census of persons as of April 1st and a separate listing of homestead residence property.

287, SO 514-515, am 602-604, psd 607, H nonconc, conf 638-639, rep adop 991-993, 1083, enr 1190 (Chapter 141)

**HB 352** Re statewide school food and nutrition programs.

833, psd 1201-1208, 1239, enr 1288 (Chapter 170)

**HB 353** Requiring registration of halfway houses.

614, rcmt 922, am 1097-1098, psd 1100, H conc 1128, enr 1191, com member appointed 2585 (Chapter 149)

**HB 354** Re arrest without a warrant.

585, K 1734

**HB 356** Re abandoning animals.

637, psd 809-810, 831, enr 918 (Chapter 104)

**HB 358** Re overtime pay for nursing home employees.

287, rcmt 986, am 1697, psd 1703, H conc 1730, recalled 1789, 1999, enr am 2003-2004, enr 2274 (Chapter 350)

**HB 359** Re the limitations on the loaning authority of cooperative banks, building and loan associations, and savings and loan associations.

390, psd 1330, 1356, enr 1498 (Chapter 193)

**HB 362** To reclassify a certain highway in the town of Whitefield.

343, psd 540-541, 554, enr 586 (Chapter 66)

**HB 363** Re persons qualified to vote.

996, psd 1331-1332, 1357, enr 1498 (Chapter 194)

**HB 364** To abolish artificial and unrealistic limitation on recovery for wrongful deaths in New Hampshire.

New title: Removing limitation on the right of dependents to recover for wrongful death.

556, am 981-984, psd 994, H conc 1082, enr 1190 (Chapter 142)

**HB 365** Re the administration of county jails and houses of correction.

527, psd 1149, 1158, enr 1191 (Chapter 150)

**HB 368** Authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified N.H. students and making an appropriation therefor.

343, Finance 615-616, psd 786-787, 796-797, 941-942, enr 1072, recalled & rcmt 1099, am 1175-1177, psd 1185, H conc 1189, enr 1250 (Chapter 168)

**HB 370** Re the appointment and removal of medical referees by the county commissioners.

391, am 850-851, psd 872, H conc 907, enr 997 (Chapter 110)

**HB 376** Providing for a commission to study the state constitution in preparation for the 1974 constitutional convention.

1412, am & Finance 1773-1774, psd 2031, 2038, H conc 2107, enr 2274, com member appointed 2585 (Chapter 351)

**HB 377** Repealing the authority of justices of the peace to sit as special justices in a district court.

New title: Re the authority of justices of the peace to sit as special justices in a district court.

414, rcmt 951-952, am 1682, psd 1684, H conc 1701, enr am 1762-1763, enr 2041 (Chapter 274)

- HB 381** Re the suspension and revocation of the privilege to operate a boat in New Hampshire.  
585, psd 808-809, 831, enr 918 (Chapter 103)
- HB 383** Re filing a report of catch of fur-bearing animals.  
637, psd 807-808, 831, enr 918 (Chapter 102)
- HB 384** To reclassify the Blackwater River.  
675, SO 1751, psd 1822-1823, 1968, enr 2040 (Chapter 282)
- HB 385** Re changing the name of the Association of New Hampshire Assessors.  
527, psd 953, 963, enr 998 (Chapter 122)
- HB 387** Re providing a uniform open deer season throughout the state.  
1361, LT 1819, K 1998
- HB 388** Re conducting aerial photographic surveys and obtaining aerial photographs and making an appropriation therefor.  
1663, Finance 1820, psd 2060, 2099, enr 2399 (Chapter 450)
- HB 389** Increasing certain penalties for forest fire violations.  
390, rcmt 719, Died 2584
- HB 390** Providing for the care and treatment of children with end-stage kidney disease and making an appropriation.  
1685, Finance 1812-1813, psd 2060, 2099, enr 2399 (Chapter 451)
- HB 391** Re abolishing sterilization of epileptics.  
390, psd 623, 636, enr 638 (Chapter 77)
- HB 393** Providing for rules of professional conduct in the practice of land surveying.  
527, SO 1183, psd 1233, 1239, enr 1287 (Chapter 162)
- HB 394** Re providing education for handicapped children.  
637, psd 986-987, 994, enr 998 (Chapter 125)
- HB 395** Re consumer credit reports.  
637, am 2042-2044, psd 2098, recon rej 2101, H nonconc, conf 2183, 2480, rep adop 2494-2495, enr 2575 (Chapter 583)
- HB 397** Re the permitted use of privies.  
364, com changed 408, am 716-718, psd 729, H conc 772, enr 805 (Chapter 93)
- HB 398** Prohibiting use of certain types of traps.  
804, SO 1183, psd 1237, 1239, enr 1288 (Chapter 171)
- HB 403** Lowering the age of majority to eighteen.  
528, psd (RC) 617-621, 635, recon rej 636, enr am 643-644, enr 674 (Chapter 72)
- HB 407** To abolish the town of Hampton municipal development authority.  
527, psd 1084-1085, 1100, enr 1190 (Chapter 143)
- HB 408** Providing for insurer notification to employee under group or blanket accident and health insurance policy that premium is not remitted.  
New title: Providing for notification to employee under group or blanket accident and health insurance policy that premium is not remitted.  
414, am 2111-2113, psd 2186, H conc 2264, enr 2394-2395 (Chapter 445)
- HB 409** Changing the basis for retirement benefits for group I members from the highest five to the highest three years compensation.  
1706, psd 1786, 1794, enr 2041 (Chapter 275)

See also Subject Index preceding this index

- HB 414** To establish a procedure to repeal historic districts in cities and towns.  
414, psd 706, 729, enr 772 (Chapter 95)
- HB 417** Providing for a fee upon petition to the board of trust company incorporation for establishing the charter of any trust company, and changing the notice requirements when the charter is amended.  
637, psd 918, 934, enr 997 (Chapter 116)
- HB 418** Providing additional cost of living retirement allowances for certain state employees, and making an appropriation therefor.  
New title: Providing additional cost of living retirement allowances for certain retired state employees and policemen and making appropriations therefor.  
1706, psd 1785-1786, 1794, enr am 2077-2078, 2109-2110, enr 2275 (Chapter 365)
- HB 421** Re the appraisal of and payment for diseased animals after their condemnation.  
390, psd 718, 729, enr 731 (Chapter 88)
- HB 422** Increasing the personal exemption under the interest and dividends tax.  
1286, Died 2584
- HB 423** Re the board of examiners of nursing home administrators.  
390, psd 623-624, 636, enr 705 (Chapter 83)
- HB 427** Re penalties for reckless driving.  
528, am 1009-1010, psd 1029, H conc 1082, enr 1084 (Chapter 129)
- HB 428** Re certain relatives' responsibility in medical assistance cases.  
585, psd 1102-1103, 1125, enr 1191 (Chapter 151)
- HB 429** Re the elimination of citizenship requirements for public assistance and re the local share of assistance in old age assistance, and aid to permanently and totally disabled and work incentive program.  
1663-1664, psd 2166, 2188, enr 2396 (Chapter 423)
- HB 430** Re increasing the percent of the road toll revenue for highway subsidy to towns and cities.  
1687, K 2025
- HB 431** Permitting the election of members to the board of adjustment.  
487, K 1150
- HB 433** Increasing the state's payment of group hospital and medical insurance for state employees and to provide ordinary death benefits for certain group I members of the N.H. retirement system.  
1706, psd 2194, 2285, enr 2420 (Chapter 495)
- HB 434** Re referendum voting by absentee ballot in biennial elections.  
488, psd 785, 796, recalled & rcint 1071, psd 2256, 2287, enr 2394 (Chapter 473)
- HB 438** Re habitual offenders of the motor vehicle laws.  
907, am 2016-2017, psd 2037, H nonconc, conf 2104, rep adop 2534-2536, 2562, enr 2576 (Chapter 584)
- HB 441** Re the inspection of homes for neglected children and adoption procedures.  
556, psd 952, 963, enr 997 (Chapter 117)
- HB 442** Re the age of children in a child caring agency.  
New title: Re definition of child-caring agency and the age of children placed therewith.  
556, psd 1697, 1703, enr am 1731, 1757, enr 1762 (Chapter 219)



**HB 444** Legalizing the special town meeting held in the town of Barrington on June 13, 1972.

New title: Legalizing town meetings in Barrington and Salisbury and legalizing certain proceedings of the Gilford school district.

637, am 958-960, psd 963, H conc 995, enr am 1071-1072, 1082, enr 1084 (Chapter 126)

**HB 446** Re support of relatives.

556, psd 922, 934, enr 997 (Chapter 111)

**HB 447** To define the terms "when accompanied" as used in the fish and game laws.

804, psd 1522, 1537, enr 1539 (Chapter 207)

**HB 449** Re the establishment of reserve funds.

391, psd 706, 729, enr 772 (Chapter 96)

**HB 451** Providing additional retirement allowances for certain retired teachers and making an appropriation therefor.

1706, psd 1786, 1794, enr 2041 (Chapter 276)

**HB 455** Establishing a committee to study and report on the goals, purposes, organization and financing of the state university system and making an appropriation therefor.

1496-1497, psd 1767-1768, 1793, enr 2042, com members appointed 2585 (Chapter 289)

**HB 456** Re definition of actuary under the N.H. retirement system.

637, psd 1043, 1074, enr 1184 (Chapter 134)

**HB 458** Re the authority of the state treasurer with respect to certain accounts.

637, psd 1085-1087, 1100, enr 1190 (Chapter 144)

**HB 463** Establishing a sire stakes program and a standardbred breeders and owners development agency.

1706, am & Finance 1758-1759, am & psd 2279-2282, H nonconc, conf 2404, 2550, H nonconc conf rep 2575, special com appointed 2586

**HB 470** Establishing a N.H. Housing Commission; and making an appropriation therefor.

1706, LT 2069-2070, Finance 2077, psd 2125-2126, enr am 2204-2205, 2267, enr 2275 (Chapter 369)

**HB 472** Authorizing the department of education to contract with school volunteer programs for continued services, and making an appropriation therefor.

1412, Finance 1790-1791, psd 2030, 2038, enr 2262 (Chapter 327)

**HB 474** Increasing the mileage allowance for sheriffs and deputies in Rockingham county.

906, K 2020, recon rej 2036

**HB 475** Re fees payable to cities and towns where racing meets are held.

1493, am 2004-2005, psd 2007, H nonconc, conf 2103, 2288, rep adop 2453-2454, 2487, enr 2501 (Chapter 562)

**HB 477** Regulating food service establishments.

1687, study 2198

**HB 478** Permitting the sale of tickets known as lucky seven at beano games sponsored by charitable organizations, subject to rules and regulations established by the sweepstakes commission and payment of a 15% tax.

See also Subject Index preceding this page

**New title:** Permitting the sale of tickets known as lucky seven at beano games sponsored by charitable organizations subject to rules and regulations established by the sweepstakes commission.

1687, am 2082-2083, psd 2100, H nonconc, conf 2183, rep adop 2433-2434, 2442, enr am 2487, 2488, enr 2501 (Chapter 561)

**HB 479** Re the time of installation of town officials.

585, rcmt 977-978, K 1137

**HB 483** To provide for republishing or recompiling volume 3-A of RSA and making an appropriation therefor.

1497, Finance 1733-1734, psd 1974, 2008, enr 2096 (Chapter 295)

**HB 484** To provide for cumulative pocket supplements for RSA and making an appropriation therefor.

1497, Finance 1735, psd 1975, 2008, enr 2097 (Chapter 296)

**HB 485** Prohibiting a motion for reconsideration on bond or note issues of over \$100,000.

**New title:** Re reconsideration of bond or note issues of over \$100,000.

1128, am 2254-2255, psd 2287, H conc 2407, enr am 2436-2437, 2442, enr 2477 (Chapter 543)

**HB 489** To make the police standards and training council a permanent state agency and making an appropriation therefor.

1412, am & Finance 1768-1769, psd 2059, 2099, H conc 2180, enr 2396 (Chapter 424)

**HB 495** Re payment by the state of the cost of educating children living in foster homes and making an appropriation therefor.

1674, psd 1788, 1794, enr 2041 (Chapter 277)

**HB 498** Re the area school contract between the Rochester school district and the Strafford school district.

675, psd 1299-1300, 1320, enr 1361 (Chapter 185)

**HB 502** Lowering to age three the age at which special education for handicapped children shall begin and making an appropriation therefor.

1492, K 2051-2052

**HB 503** Establishing an administrative procedures act and making an appropriation therefor.

1664, am & Finance 1824-1825, psd 2156, 2188, H conc 2264, enr 2426 (Chapter 507)

**HB 504** Creating an open space land study commission and making an appropriation therefor.

1687, Finance 1748, psd 2023-2024, 2038, enr 2262, com member appointed 2586 (Chapter 328)

**HB 505** To delete the positions of warden and deputy warden of the state prison from the list of positions which are entitled to maintenance and to increase the statutory salary for each of the positions.

1686, psd 1990, 2009, enr am 2127-2129, 2203, enr 2308 (Chapter 400)

**HB 506** Permitting village districts to be formed for purposes of impounding water.

1685, psd 2120-2121, 2187, enr 2396 (pocket vetoed)

**HB 508** Creating centralized land acquisition procedures, establishing a natural heritage conservation fund, making an appropriation therefor, and authorizing the issuance of bonds for such fund.

1707-1708, Finance 1797, am 2192-2193, psd 2285, H nonconc, conf 2404, rep adop 2554-2555, 2561, enr 2576 (pocket vetoed)

- HB 509** Increasing the salaries of the classified, and unclassified employees and making an appropriation therefor.  
**New title:** Increasing the salaries of the classified, and unclassified employees and making an appropriation therefor and providing for an associate commissioner of public works and highways and providing for a deputy commissioner of safety and providing for additional assistant business supervisor. 1706, am 2237-2249, psd 2250, H nonconc, conf 2405, rep adop 2538-2549, 2561, enr am 2577, 2581-2582 (Chapter 377)
- HB 512** Providing for overtime pay to state employees engaged in snow grooming and farming.  
 1706, psd 1973, 2008, enr 2097 (Chapter 297)
- HB 514** Re representative school district voting rights in supervisory union matters.  
 907, am 2191, psd 2285, H conc 2407, enr 2426 (Chapter 508)
- HB 519** Re exemption for commissioned real estate salesmen and brokers from contribution requirements of RSA 282.  
 705, psd 988, 994, enr 997 (Chapter 118)
- HB 520** To provide for the bonding of state officials and employees; and making an appropriation therefor.  
 1497, psd 2014-2015, 2037, enr 2262 (Chapter 329)
- HB 527** To provide for replacement volumes 5, 5-A and 6 for RSA and to provide a complete set of RSA for each standing committee of the house and senate and making an appropriation therefor.  
 1497, Finance 1734, psd 1974-1975, 2008, enr 2181 (Chapter 307)
- HB 531** Re election of a town board of assessors.  
 705, LT 1045-1046, psd 1070, 1075, enr 1184 (Chapter 135)
- HB 532** Providing a definition for terms of appointment and designating certain exceptions.  
 1128, psd 2013, 2036, enr am 2260, 2306, enr 2396 (Chapter 425)
- HB 539** Establishing civil procedures re the admission and treatment of the mentally ill and making an appropriation therefor.  
 1687, am & Finance 2033-2035, psd 2126, 2187, H conc 2407, enr am 2469, 2473-2474, enr 2491 (Chapter 556)
- HB 547** Authorizing housing authorities to recognize unions and enter into collective bargaining contracts with such unions.  
 705, com changed 821, K 2215, recon rej 2216
- HB 548** Revising the day care advisory committee to provide for representation by users of day care facilities.  
 1412, rcmt 1779, psd 1988, 2009, enr 2225 (Chapter 331)
- HB 556** Re the trustees of the N.H. Annual Conference of the United Methodist Church.  
 996, psd 1735, 1746, enr 1747 (Chapter 226)
- HB 557** Exempting dividends of New Hampshire bank holding companies from the interest and dividend tax.  
 1492, K 2207, recon rej 2216
- HB 560** Re the investing of state funds.  
 833, psd 1712-1713, 1726, enr 1747 (Chapter 224)
- HB 564** Re annual meetings of credit unions.  
 675, psd 918, 934, enr 997 (Chapter 112)

See also Subject Index preceding this page

**HB 565** Requiring only motor vehicle accidents where damages are \$200 or above to be reported.

**New title:** Requiring only motor vehicle accidents where damages are \$300 or above to be reported.

804, am 1150-1152, psd 1158, H nonconc, conf 1189-1190, rep adop 1539, 1577, enr 1676 (Chapter 211)

**HB 566** Prohibiting the unauthorized copying of certain recorded devices for sale.

969, psd 1977, 2008, enr 2225 (Chapter 332)

**HB 567** Re the interest rate charged on delinquent taxes in the city of Portsmouth.

1493, psd 1753, 1760, enr 2040 (Chapter 283)

**HB 569** Re the time of delivery of the county budget statement.

804, psd 1043, 1075, enr 1184 (Chapter 136)

**HB 574** Re advanced registered nurse practitioners.

1492, am 1986-1987, psd 2009, H conc 2107, enr 2398 (Chapter 392)

**HB 576** Re guardianship statutes.

906, psd 1256-1258, 1278, enr 1361 (Chapter 186)

**HB 577** Re child placing and the care of children.

**New title:** Repealing certain provisions re cruelty to children at child-caring agencies.

1188, psd 1722, 1726, recalled & rcmt 1812, am 2111, psd 2186, H conc 2264, enr 2395 (Chapter 389)

**HB 578** Re the duties of the division of welfare pertaining to child welfare.

1411, psd 1778-1779, 1793, enr am 2078, 2110, enr 2274 (Chapter 353)

**HB 579** Re abolishing the words bastard, illegitimate and born out of wedlock and substituting children born of unwed parents.

833, psd 1095, 1100, enr 1190 (Chapter 145)

**HB 580** Re jury trials of minor offenses.

1249, psd 1774, 1793, enr 2041 (Chapter 264)

**HB 582** Amending the appropriation for the Winnepesaukee River Basin pollution control program.

1188, rules suspended 1297, psd 1354-1355, 1358, enr 1362 (Chapter 161)

**HB 583** To authorize the pesticides surveillance scientist to perform in the same capacity as the chief aquatic biologist in relation to the pesticides control board in the absence of the executive director.

804, psd 1215, 1239, enr 1288 (Chapter 172)

**HB 591** Amending the Rochester city charter by increasing the size of the city council and the school board from twelve to fifteen elected members each, and providing for the election of three members each from each ward for two-year terms.

969, am 2121-2122, psd 2187, H conc 2264, enr 2398-2399 (Chapter 393)

**HB 598** Re misuse of special circumstance welfare grants.

906, psd 1345-1346, 1358, enr 1498 (Chapter 195)

**HB 599** Amending the zoning authority of Kearsarge Lighting Precinct to include the town of Bartlett.

674-675, psd 1044, 1075, enr 1184 (Chapter 137)

**HB 601** Re scholarships for orphans of veterans of the Southeast Asian conflict.

1411, psd 1791, 1794, enr 2041 (Chapter 278)

- HB 602** Re changing the name of Ivanhoe Pond in the town of Wakefield to Lake Ivanhoe.  
1082, psd 1527, 1537, enr 1539 (Chapter 189)
- HB 603** Re sale of ice cream by weight.  
907, study 2196-2197
- HB 604** Exempting ambulances from being required to pay tolls while on emergency calls.  
969, K 1698, recon notice 1703, 1705, rej 1755-1756
- HB 606** Re the control of abortion.  
804, remarks 804-805, SO 852, IP (RC) 1010-1027, remarks 1072
- HB 607** Limiting the right to suit and guaranteeing compensation for medical expenses and lost wages to persons involved in motor vehicle accidents.  
New title: Re motor vehicle insurance and guaranteeing compensation for medical expenses and lost wages.  
1708, am & psd (RC) 2140-2155, H nonconc, conf 2274, 2288, new conf 2491, rep adop (RC) 2567-2570, enr 2576 (pocket vetoed)
- HB 608** Re revision of existing statutes which constitute misdemeanors and felonies under the provisions of the criminal code.  
1708, psd 1811, 1966-1967, enr am 2417, 2430, enr 2435 (Chapter 528)
- HB 609** Re revision of existing statutes imposing only fines above \$100 which constitute misdemeanors for natural and any other persons, and above \$200 constitutes a felony for any other persons under the provisions of the criminal code.  
1498, psd 1811-1812, 1967, enr am 2415-2417, 2430, enr 2435 (Chapter 529)
- HB 610** Re revisions of existing statutes imposing fines over \$50 and not more than \$100 which constitute violations for natural persons and misdemeanors for any other persons under the provisions of the criminal code.  
1664, psd 1812, 1967, enr am 2414-2415, 2430, enr 2435 (Chapter 530)
- HB 611** Revising statutes outside the criminal code imposing fines of \$50 or less which under the code constitute violations.  
1686, psd 1813, 1967, enr am 2414, 2430, enr 2435 (Chapter 531)
- HB 612** Imposing an inspection fee on fertilizer and providing a category for special mixed fertilizer.  
1188, psd 1819-1820, 1967, enr 2040 (Chapter 262)
- HB 615** Providing for closure in part of Back Channel in New Castle and Portsmouth to all hunting.  
1287, psd 2223-2224, enr 2394 (Chapter 472)
- HB 617** Pertaining to non-resident students at the University of New Hampshire.  
1030, psd 2042, 2098, enr 2399 (Chapter 387)
- HB 618** Increasing the commission on pari-mutuel pools at horse and harness races and changing the tax payable to the state.  
New title: Increasing the commission on pari-mutuel pools at horse and harness races.  
1413, psd 2005-2007, enr am 2078, 2109, enr 2127 (Chapter 306)
- HB 621** Permitting the city of Portsmouth to exceed its debt limit for purposes of satisfying a judgment rendered against the city in a suit by the public service company of New Hampshire.  
1188, psd 2015, 2037, enr 2262 (Chapter 349)

See also Subject Index preceding this page



**HB 622** Re statement of expenditures requested by the budget committee.  
772, am 1732-1733, psd 1746, H conc 1761, enr 1823 (Chapter 245)

**HB 624** Re payment of business profits tax.  
1492, K 2207, recon rej 2216

**HB 625** Re continuing education for optometrists and increasing the renewal license fee for optometrists.  
1685, psd 1988, 2009, enr 2225 (Chapter 333)

**HB 627** To provide for a county hospital administrator in place of one member-at-large, not a member of the medical profession.  
1101, psd 1343, 1357, enr 1498 (Chapter 196)

**HB 628** Re the use of illegal inspection stickers  
833, psd 1297, 1320, enr 1361 (Chapter 159)

**HB 629** Re the fees for birth registration cards, vital statistics records and certificates of marriage.  
996, psd 2011, 2036, enr 2262 (Chapter 335)

**HB 630** Re the use of radar and other electronic method of speed detection on interstate and state highways.  
1686, K 2018

**HB 632** Re investment of retirement funds.  
1497, psd 1753-1754, 1760, enr 1799 (Chapter 238)

**HB 633** Re the maximum amounts of group life insurance for employees.  
772, rcmt 1417-1418, am 2114-2116, recon & LT 2170, am 2200-2201, psd 2285, H conc 2406, enr 2426 (Chapter 509)

**HB 634** Re any type of advertising attached to objects of nature whether such advertising be upon primary or secondary roads.  
**New title:** Limiting political advertising and limiting certain advertising along primary and secondary roads.  
1412, am 1783, psd 1793, H conc 1969, enr am 2184, 2185, enr 2275 (Chapter 360)

**HB 635** Re temporary loans under the municipal finance act.  
804, psd 1044, 1075, enr 1184 (Chapter 138)

**HB 636** Providing an attorney for indigent persons seeking employment compensation benefits.  
1493, IP 2161-2163

**HB 637** Eliminating required tax escrow funds on certain savings bank mortgage loans and providing for payment of interest on all escrow accounts.  
803, LT 2275-2276, am & psd 2305-2306, H nonconc, conf 2402-2403, rep adop 2455-2456, 2487, enr 2502 (Chapter 566)

**HB 639** Re permitting the Lord's Prayer and the pledge of allegiance in public schools at local option.  
**New title:** Permitting voluntary silent meditation in public schools at local option.  
1287, S Ct opin req 2046-2047, printed 2450-2453, LT 2482-2483, am & psd (RC) 2504-2506 (H nonconc)

**HB 640** Authorizing the governor to enter into contracts with veterinary medical schools.  
**New title:** Authorizing the governor to enter into agreements with veterinary medical schools.  
804, am 1722-1723, psd 1972-1973, 2008, H nonconc, conf 2103, rep adop 2459-2461, 2487, enr am 2530-2531, enr 2561 (pocket vetoed)

- HB 642** Changing the name of the Belknap county recreational area and commission; increasing the compensation of the members of the commission and increasing the amount of earnings which may be retained by the commission. 1664, psd 1813, 1967, enr 2040-2041 (Chapter 263)
- HB 644** Re the holder in due course doctrine. 1412, am 2164-2165, psd 2188, H conc 2264, enr 2395 (Chapter 390)
- HB 649** Authorizing tests on the bodies of certain motor vehicle accident fatalities to determine the content of alcohol in their blood. 1081, 1735, SO 1770-1771, LT 2027, psd 2076-2077, 2100, enr 2399 (Chapter 388)
- HB 650** Re the publication of notices of appointment of fiduciaries, and repeal of the requirement of the posting of such notices. 1081, psd 1683, 1684, enr 1700 (Chapter 215)
- HB 651** To provide for termination of certain charitable trusts. 1031, am 1717-1718, psd 1726, H conc 1757, enr 1800 (Chapter 234)
- HB 652** To expand and encourage the use of voluntary arbitration of disputes in superior court. 969, psd 2021, 2037, enr 2262 (Chapter 336)
- HB 653** Providing for trial of certain misdemeanors by six member juries. 1493, psd 2019, 2037, enr am 2386-2387, 2405, enr 2419 (Chapter 485)
- HB 654** Making certain technical changes in statutory provisions re the supreme court. 1082, psd 1682-1683, 1684, enr 1700 (Chapter 214)
- HB 655** Authorizing a court to designate the type of officer to whom a capias may be directed for service. 1101, K 1977
- HB 657** Establishing a multi-use statewide trail system.  
New title: Re a state-wide trail system. 1412, am 2225-2227, psd 2286, H nonconc, conf 2405, new conf 2503, rep adop 2570-2571, enr am 2577, 2579 (Chapter 593)
- HB 658** Re the responsibility for erroneous or false data on plans for sewage or waste disposal systems. 1492, study 2166-2167
- HB 661** Providing for persons 65 years or older to apply for a tax lien on real estate. 1665, psd 2084, 2100, enr 2399 (Chapter 452)
- HB 664** Amending the conservation commission enabling act and permitting two planning board members to serve on other municipal boards or commissions. 1188, psd 2117, 2187, enr 2489 (Chapter 550)
- HB 667** To prohibit the hunting of wild birds on Black Lake in the town of Pittsburg. 804, SO 1183, psd 1237, 1239, enr 1288 (Chapter 173)
- HB 668** Authorizing the town of Littleton to use a hydraulically operated standby pumping unit in its Lisbon Road sewage pumping station. 1128, K 1438
- HB 671** Prohibiting the use of motorboats on Willard Pond in Antrim.  
New title: Prohibiting the use of petroleum powered motorboats on Willard Pond in Antrim. 1101, am 1521-1522, psd 1537, H nonconc, conf 2182-2183, rep adop 2389-2390, 2406, enr am 2487, 2488-2489, enr 2501 (Chapter 563)

See also Subject Index preceding this page

**HB 673** Re adoption procedures.

1082, SO 1680, psd 1699, 1703, enr am 1763, 1799, enr 2041 (Chapter 266)

**HB 678** Establishing a committee to study rules and regulations promulgated by the welfare department as they are applied to day care centers.

1413, am 2057-2058, psd 2099, H conc 2180, enr 2397, com members appointed 2586 (Chapter 380)

**HB 681** Transferring members from the predecessor systems to the N.H. retirement system

1685, psd 1785, 1794, enr 2041 (Chapter 265)

**HB 684** Re exceeding appropriations under the municipal budget law.

1101, com changed 1101, K 1250-1251

**HB 686** Re the lien for uncollected property taxes upon any house trailer or mobile home.

772, psd 987, 994, enr 998 (Chapter 123)

**HB 689** Re prohibiting the use of petroleum powered boats on Mount William Pond in the town of Weare.

1493, psd 1987-1988, 2009, enr am 2203-2204, 2267, enr 2396 (Chapter 379)

**HB 690** To provide that entry fees for small claims actions go to municipality in which the court is regularly located.

1164, psd 1977, 2008, enr 2181 (Chapter 309)

**HB 691** Providing for family planning services for all persons seeking same.

1031, rcmt (RC) 1289-1291, Died 2584

**HB 693** Re debt during transition period following adoption of optional fiscal year.

1492, psd 1754, 1760, enr 1799 (Chapter 239)

**HB 694** Re institutional guardianships.

1082, psd 2019-2020, 2037, enr am 2474, 2488, enr 2491 (Chapter 557)

**HB 697** Re appeals by hospital service corporations.

969, am 1275, psd 1278, H conc 1360, enr 1361 (Chapter 160)

**HB 699** Re investments of hospital service corporations.

969, psd 1275-1276, 1278, enr 1361 (Chapter 176)

**HB 701** Re appeal bonds in eviction proceedings.

New title: Re rent escrow pending appeal in eviction proceeding.

1164, am 1718-1719, psd 1726, H conc 1757, enr 2108-2109, enr 2274 (Chapter 352)

**HB 702** Re the terms of jurors.

1249, psd 1773, 1793, enr 2042 (Chapter 290)

**HB 703** To transfer or repeal all of title LVIII (crimes and offenses) except chapters 570-A, 571-B, and 585 and to rename the title.

**First new title:** To transfer or repeal all of title LVIII (crimes and offenses) except Chapters 570-A, 571-B and 585 and to change its title; and to permit the courts to provide for psychiatric examinations by other physicians than those at the New Hampshire Hospital.

**Second new title:** To transfer or repeal all of RSA title LVIII (crimes and offenses) except chapters 570-A (wire-tapping), 571-B (exposing minor to harmful materials), 575-A (humane slaughter law), and the murder and abortion provisions of 585; changing the name of said title; and permitting the courts to provide for psychiatric examinations by other physicians than those at the New Hampshire Hospital.

1493, am 1814-1817, psd 1967, H nonconc, conf 2105, rep adop 2171-2174, 2265, enr am 2408, 2413 (Chapter 532)

- HB 704** Re the manner of election of delegates to the constitutional convention.  
1082, psd 1251, 1278, enr 1361 (Chapter 166)
- HB 706** Providing for a permanent retirement system for employees of the city of Manchester if adopted on referendum.  
1493, psd 1698, 1703, enr 1747 (Chapter 218)
- HB 707** Providing that the flag of the U.S. shall be displayed and flown at polling places.  
906, psd 1166-1167, 1185, enr 1191 (Chapter 155)
- HB 708** Re fraudulent receipt of welfare assistance.  
1412, am 1779, psd 1793, H conc 1969, enr am 2184-2185, enr 2275 (Chapter 364)
- HB 711** Re the location of the proposed Cheshire county courthouse.  
1496, K 2020-2021, recon notice 2033, rej 2035
- HB 713** Permitting certain employees to contribute toward the purchase of group life insurance.  
1030, psd 1330-1331, 1356, enr 1498 (Chapter 197)
- HB 714** To define the offshore jurisdiction of the state and establish a marine boundaries commission.  
**New title:** To define the offshore jurisdiction of the state.  
remarks by Richard Upton 1407-1409, intro & LT 1445-1448, psd 1464-1471, 1486, recon & rcmt 1488-1489, am 1806-1808, psd 1966, H nonconc, conf 2102, rep adop 2499-2500, 2530, enr 2561 (Chapter 580)
- HB 716** To codify the uniform partnership act.  
**New title:** To codify the uniform partnership act and re the uniform gifts to minors act.  
1493, am 1809-1810, psd 1966, H conc 2107, enr 2397 (Chapter 378)
- HB 720** Re amending the RSA by deleting the word "poll" and substituting where applicable the word "resident."  
1492, psd 2050, 2098, enr am 2387, 2405, enr 2419 (Chapter 486)
- HB 724** Re reporting new owners of mobile homes.  
906, psd 1167-1168, 1185, enr 1191 (Chapter 152)
- HB 725** To prohibit unmarked cars for use by law enforcement officials for apprehending traffic violators.  
1188, IP (RC) 1992-1994
- HB 727** Establishing a department of administration and finance and making an appropriation therefor.  
1707, psd 2129-2131, 2140, enr 2262 (vetoed)
- HB 728** Re physical therapists practice.  
1164, psd 1696, 1703, enr 1732 (Chapter 216)
- HB 730** Providing for regional vocational education programs and making an appropriation therefor.  
1687, Finance 1790, psd 2030, 2038, enr am 2479, enr 2502 (Chapter 567)
- HB 734** Re the establishment of new positions in the county government of Hillsborough county.  
1412-1413, psd 2170-2171, 2189, enr 2397 (Chapter 381)
- HB 735** To enable the precinct of Haverhill Corner in the town of Haverhill to enact a zoning ordinance.  
906, psd 1168-1170, 1185, enr 1191 (Chapter 156)

See also Subject Index preceding this page

**HB 739** Re the selection of engineers and architects.

1361, com changed 2012, am 2117-2118, psd 2187, H conc 2264, enr 2399 (Chapter 455)

**HB 743** Re the dispensing of controlled drugs.

1101, psd 1342-1343, 1357, enr 1498 (Chapter 198)

**HB 746** Re the date of annual town meetings.

906, K 1170

**HB 747** Concerning conservation and preservation restrictions on real property.

1082, rcmt 1683, am 1719-1722, recon & SO 1724-1725, 1745, rcmt 1791-1792, am 2160-2161, psd 2188, H conc 2264, enr 2395 (Chapter 391)

**HB 748** Re the definition of accidents for the rating of insurance policies.

New title: Re the definition of accidents for the rating of insurance policies and re credit life and accident insurance.

1128, rcmt 1713-1714, am 2132-2133, 2187, H nonconc, conf 2272, 2550, rep adop 2552-2554, 2575, enr 2576 (Chapter 585)

**HB 749** Re the compensation of town clerks.

1081, psd 1332, 1357, enr 1498 (Chapter 199)

**HB 750** Re the compensation of collectors of taxes.

1082, psd 1332, 1357, enr 1498 (Chapter 200)

**HB 751** Providing for the exemption and withdrawal of town and city managers from compulsory membership in the state retirement system.

1497, psd 2014, 2037, enr 2261 (Chapter 343)

**HB 752** Amending the Rochester city charter to increase the salary of the mayor.

1164, psd 1714-1715, 1726, enr 1747 (Chapter 225)

**HB 755** Conferring immunity from civil suit on municipal executives acting in their official capacity.

New title: Conferring immunity from civil suit on municipal executives acting in their official capacity and providing for indemnification of officers and employees of municipalities and school districts from liability for damages and allowing municipalities to purchase insurance therefor.

1492, LT 1975, SO 1994-1995, am 2228-2229, psd 2286, H nonconc, conf 2402, rep adop 2531-2534, enr am 2577, 2579-2580 (Chapter 595)

**HB 759** Permitting access from Rockingham Boulevard to a tract of land on the southerly side thereof.

1664, Died 2584

**HB 760** To authorize towns to appropriate money for programs on the aging.

1189, psd 2211, 2286, enr 2399 (Chapter 386)

**HB 761** Re election procedures of the Contoocook Valley school district.

1031, psd 1251-1252, 1278, enr 1361 (Chapter 177)

**HB 763** Re the authority of the director to close the season for hunting and taking deer.

1361, psd 1819, 1967, enr 2097 (Chapter 298)

**HB 764** Providing for a liquor license for passenger vessels.

1249, psd 2065, 2099, enr 2127 (Chapter 292)

**HB 765** Providing full pay to state employees, not to exceed one year, during a total disability resulting from a work-connected accidental injury.

1707, psd 2024, 2038, enr 2261 (Chapter 344)

**HB 767** Providing for the merger of unincorporated religious societies.

1361, psd 2017-2018, 2037, enr 2261 (Chapter 345)



- HB 768** Re withdrawals from savings deposits.  
1188, am (3 RC's) 1688-1694, psd 1702, H nonconc, conf 1747, 1762, new conf 2446-2447, 2495, conf com discharged 2564
- HB 771** Re the appointment of the police commission in the city of Claremont, by the city manager.  
1248, psd 2016, 2037, enr 2397 (Chapter 382)
- HB 773** Re unsolicited merchandise and unfair trade practices.  
1361, psd 2163, 2188, enr 2397 (Chapter 383)
- HB 775** Re retail sales agreements.  
1412, SO 1978-1979, LT 2028, psd 2081-2082, 2100, enr am 2386, 2405, enr 2419 (Chapter 487)
- HB 776** Clarifying tax exemptions on real estate owned by the state.  
1413, psd 2083-2084, 2100, recon rej 2101, enr 2397 (pocket vetoed)
- HB 777** Re the combined office of town clerk—tax collector.  
1101, K 1715-1716, recon & rcmt 1729-1730, psd 2221, 2286, enr 2394 (Chapter 396)
- HB 778** Establishing a joint committee on legislative management and making an appropriation therefor.  
1674, LT 2132, psd 2134-2140, enr 2287 (vetoed)
- HB 781** Re embalmers, morticians and funeral directors.  
1497, psd 1784, 1794, enr am 2078-2079, 2110, enr 2274 (Chapter 354)
- HB 784** Re hawkers and peddlers and street sales.  
1493, am 2201-2203, psd 2285, H conc 2423, enr am 2469, 2470-2471, enr 2491 (Chapter 558)
- HB 785** To require school districts not maintaining high schools to pay full tuition of its students who attend high schools in other districts.  
1287, psd 1804-1806, 1966, enr 2097 (Chapter 299)
- HB 786** Re the name of certain buildings in Coos County.  
1081, psd 1297, 1320, enr 1362 (Chapter 178)
- HB 788** Re a warranty bond for automobiles sold in this state.  
1249, psd 2061, 2099, enr 2399 (Chapter 394)
- HB 793** Providing for the state treasurer to establish a special fund for reimbursement received for prefinanced water pollution control projects.  
1687, psd 1972, 2008, enr 2181 (Chapter 308)
- HB 796** Re excusing school attendance for handicapped children.  
1494, psd 1749, 1759, enr 1799 (Chapter 240)
- HB 798** Dealing with unemployment compensation.  
1664, am 2209-2210, psd 2285, H nonconc, conf 2401-2402, 2421, rep adop 2456-2458, recon & LT 2468, rep adop 2506, new conf 2550, rep adop 2564-2567, enr 2576 (Chapter 589)
- HB 799** Establishing a committee to study the financing of New Hampshire airports.  
1495, psd 1982, 2009, enr am 2184, 2203, enr 2275, com members appointed 2586 (Chapter 363)
- HB 800** Re workmen's compensation to state employees and reimbursing the general fund by transfer of funds.  
1685-1686, Finance 2110-2111, psd 2229, 2286, enr 2394 (Chapter 397)

See also Subject Index preceding this page

**HB 801** Re expenses of county investigatory committees.

1128, am 2048-2049, psd 2098, H conc 2180, enr 2397 (Chapter 384)

**HB 802** Permitting the city of Franklin to suspend the verification of the checklist.

New title: Permitting the city of Franklin to suspend the verification of the checklist and ratifying the verification and updating of the checklist by the city of Nashua.

1411, psd 1717, 1726, rcmt 1747-1748, am 2122-2123, psd 2187, H conc 2264, enr 2399 (Chapter 395)

**HB 803** To reclassify the surface water of Nubanusit Brook and the headwaters of Lake Skatutakee in the town of Harrisville.

1493, psd 1981, 2009, enr 2181 (Chapter 310)

**HB 804** Establishing the ward lines and providing for redistricting of the city of Franklin.

New title: Establishing the ward lines of the city of Franklin.

1411, am 1716-1717, psd 1726, H nonconc 1757, H conc 1761, enr am 2108, 2110, enr 2274 (Chapter 355)

**HB 805** Re indemnification agreements between architects, engineers, or surveyors and owners, contractors or subcontractors.

1411, psd 1975-1976, 2008, enr 2181 (Chapter 311)

**HB 807** Permitting the director of the division of motor vehicles to use a facsimile signature on any official document signed by his authority.

1164, psd 1438-1439, 1487, enr 1499 (Chapter 204)

**HB 809** Re the expenses of education in public institutions.

1492, psd 2052, 2098, enr 2397 (Chapter 385)

**HB 810** Establishing a legislative facilities committee; and making an appropriation therefor.

1497, psd 1787, 1794, enr 2097, conf 2421, veto overridden (RC) 2448-2449, com members appointed 2586 (Chapter 368)

**HB 811** Making appropriations for capital improvements.

1707, LT 2290-2303, am & LT 2305, am & psd 2307-2308, H nonconc, conf 2420, rep adop 2492-2494, 2561, enr am 2573-2574, 2575, enr 2576, special com appointed 2586 (pocket vetoed)

**HB 814** Re sand eels.

1493, psd 1981-1982, 2009, enr 2182 (Chapter 312)

**HB 817** Providing for notice to the municipal conservation commissions, planning boards and requiring the posting of permits for dredge and fill.

1708, psd 2032, 2039, enr 2261 (Chapter 346)

**HB 818** Re the administration of the revenue laws.

1686, am & Finance 1995-1997, am 2158-2160, psd 2188, H conc 2264, enr am 2437-2440, 2442, enr 2477 (Chapter 544)

**HB 819** Re tires as defective equipment on motor vehicles.

1249, psd 1439, 1486, enr 1499 (Chapter 205)

**HB 820** Re limitations on the investment authority of building and loan associations, cooperative banks, and savings and loan associations.

1248, psd 2116, 2186, enr 2395 (Chapter 426)

**HB 823** Re transportation of pupils to schools.

1287, study 2051

- HB 826** Re the repeal of the section excepting the office of employment security from the operation of RSA 91-A.  
1493-1494, study (2 RC's) 2229-2232.
- HB 828** Authorizing the county commissioners to employ legal counsel.  
1164, study 2048, recon notice 2102, withd 2250
- HB 829** Re doping and stimulating animals at equine events.  
1248, psd 1819, 1967, enr 2097 (Chapter 300)
- HB 830** Clarifying the statutes on explosives.  
1412, am 1979-1981, psd 2009, H conc 2107, enr 2397 (Chapter 419)
- HB 832** Increasing the debt limit for the Merrimack school district.  
1287, rules suspended 1324, psd 1420-1421, 1486, enr 1499 (Chapter 206)
- HB 834** Re allowing members of standing and interim committees mileage for attending meetings.  
1493, am 1808-1809, psd 1966, H nonconc, conf 2104, rep adop 2432-2433, 2469, enr 2489 (Chapter 551)
- HB 836** Expanding the jurisdiction of the public utility commission to regulate water companies as public utilities, except for municipal water companies.  
1410-1411, am 2160, psd 2188, H nonconc, conf 2272, rep adop 2421-2422, 2428, enr 2477 (Chapter 546)
- HB 837** Establishing the American and Canadian French cultural exchange commission.  
1686, am 1970, psd 2007, H conc 2107, enr 2309 (Chapter 401)
- HB 842** Permitting permanently disabled veterans to have a perpetual hunting and fishing license.  
1411, psd 1982, 2009, enr 2182 (Chapter 318)
- HB 843** Establishing a post secondary education commission to absorb the coordinating board of advanced education and accreditation and the N.H. higher education facilities commission.  
1664, am 2071-2073, psd 2100, H conc 2180, enr am 2409, 2413 (Chapter 533)
- HB 844** Re the practice of architecture.  
1687, study 2250-2252
- HB 846** Re the time of school district meetings in cooperative school districts.  
1361, LT 1767, psd 2080-2081, 2100, enr 2395 (Chapter 427)
- HB 847** Permitting the employment of inmates of houses of correction at municipally owned recreational facilities and conservation projects.  
New title: Permitting inmates of county jails or house of correction to work at municipally owned recreational facilities or conservation projects.  
1286, psd 1771-1773, 1793, recalled & am 2095-2096, psd 2101, H conc 2180, enr 2287 (Chapter 322)
- HB 849** Re identification for all service-type employees.  
1493, K 2018
- HB 850** Re increasing the fees for beer permits and liquor licenses.  
1707, psd 2025-2027, 2038, enr 2275 (Chapter 361)
- HB 851** Providing for an emergency temporary zoning and planning ordinance and for the adoption of same in emergencies.  
1249, psd 2217, 2286, enr am 2417-2418, 2430 (Chapter 534)
- HB 854** Re the duty of county treasurers.  
1249, psd 2011, 2036, enr 2275 (Chapter 362)

See also Subject Index preceding this page

- HB 855** Delineating the duties of the clerk of the board of county commissioners.  
1249, K 2118
- HB 856** Requiring the reporting of drownings and boating accidents upon New Hampshire waters.  
1493, am 1782-1783, psd 1793, H conc 1968, enr 2182 (Chapter 313)
- HB 857** Permitting public employees to enter into a deferred compensation plan and authorizing the purchase of insurance and annuity contracts.  
New title: Permitting public employees to enter into a deferred compensation plan.  
1361, am 2118-2120, psd 2187, H conc 2264, enr 2398 (pocket vetoed)
- HB 858** Re the maintenance and protection of unused covered wooden bridges.  
1664, psd 1750-1751, 1759, enr 1799 (Chapter 241)
- HB 859** Legalizing the annual town meeting of the town of Wolfeboro.  
1495, psd 2123, 2187, enr 2395 (Chapter 428)
- HB 860** Re the membership of the N.H. state port authority.  
1411, psd 2061, 2099, enr 2396 (Chapter 429)
- HB 861** Re limited partnerships.  
1494, psd 1777, 1793, enr 2041 (Chapter 267)
- HB 862** Providing for unemployment compensation to persons refusing to work the third shift for good cause.  
1674, psd 2211, 2286, enr 2399 (Chapter 446)
- HB 865** Providing for certain motor vehicle privileges free to permanent and totally disabled veterans.  
1685, psd 2063-2064, 2099, recon rej 2101, enr 2287 (Chapter 320)
- HB 866** Allowing local wineries to sell wine directly to the consumer at the winery.  
1492, am 1997-1998, psd 2009, H conc 2180, enr 2396 (Chapter 430)
- HB 867** Authorizing cities of more than 80,000 population to appoint a director of human services.  
1495, psd 1989, 2009, enr 2182 (Chapter 319)
- HB 869** Creating enabling legislation to permit a local option homeowners' exemption applied to property taxes upon approval by referendum.  
1664, psd (RC) 2211-2215, enr 2410 (Chapter 482)
- HB 871** Re the jurisdiction of the probate courts.  
1494, LT 1775, psd 2084-2085, 2100, enr 2396 (Chapter 431)
- HB 872** Re appeals from probate courts.  
1494, JC 1775
- HB 874** Re procedure for towns, cities or counties to adopt fiscal year accounting and incurring debt during transition period.  
1495, psd 2120, 2187, enr 2393 (Chapter 474)
- HB 875** Re the salaries of the Somersworth city council.  
1495, psd 2012, 2036, enr 2262 (Chapter 337)
- HB 876** Re the use of sewer rents, hook-ups or betterment charges.  
1675, rcmt 1786-1787, psd 2217, 2286, enr 2410 (Chapter 483)

- HB 878** Re the definition of parent for the purpose of defining eligibility for aid to families with dependent children; providing for verification and investigation of eligibility of applicants for aid to families with dependent children; actions against absent parent; and requiring recipients of aid to families with dependent children to actively seek employment and making an appropriation therefor.  
1707, Finance 1797, am 2227-2228, psd 2286, H nonconc, conf 2402, rep adop 2562-2564, enr am 2577, 2578 (pocket vetoed)
- HB 883** Re the powers of county commissioners.  
1411, psd 2010, 2036, enr am 2315, enr 2419 (Chapter 488)
- HB 887** Re salaries of district court justices, and to fees in civil cases in district courts.  
New title: Re salaries of district court justices.  
1675, am 2045-2046, psd 2098, H conc 2180, enr am 2408, 1413 (Chapter 535)
- HB 888** Making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1974 and June 30, 1975.  
1411, am (RC) 1825-1963, psd, H nonconc, conf 1964, 1969, rep adop (RC) 2316-2384, enr 2385, recalled, conf (RC) 2410-2413, am (RC) 2462-2468, rep adop 2506-2530, 2555, enr am 2572-2573, 2575, enr 2576 (Chapter 376)
- HB 889** Providing for settlement of disputes between public school teachers and school district or supervisory unions and for other purposes.  
New title: Re collective bargaining rights for public employees.  
1665, SO (RC) 1990-1992, LT 2028-2029, am & psd 2085-2095, H nonconc, conf 2182, rep adop 2551-2552, enr 2576 (pocket vetoed)
- HB 890** Re the control of abortion.  
Suspension of rules to allow intro, rcj (RC) 1708-1710, remarks 1725
- HB 891** Re all county accounting reports.  
1412, psd 2120, 2187, enr 2393 (Chapter 475)
- HB 892** To clarify the status of accountants under the statutes.  
1412, psd 1784, 1794, enr 2041 (Chapter 268)
- HB 893** Permitting county conventions to employ special legal counsel.  
1411, com changed 2004, study 2048, recon notice 2102, wthd 2250
- HB 896** Re health certificates for child-care agency personnel.  
1411, psd 1778, 1793, enr am 2079, 2110, enr 2274 (Chapter 356)
- HB 897** Re the board and care of persons committed to the Laconia state school and training center, the N.H. hospital or the N.H. home for the elderly.  
Finance 2071, psd 2126-2127, 2187, enr am 2478-2479, enr 2502 (Chapter 502)
- HB 898** Re the authority and rights of appointed chiefs of police.  
1708, am 2123-2124, psd 2187, H conc 2264, enr 2398 (Chapter 371)
- HB 900** Re the method of calculating state grants for sewage disposal construction.  
1707, am 2052-2053, psd 2098, H conc 2180, enr 2396 (Chapter 432)
- HB 901** Re the exemptions on real property taxes granted to the blind.  
1663, psd 2211, 2286, enr am 2431-2432, 2441, enr 2444 (Chapter 538)
- HB 905** Requiring that public schools provide instruction re infirmities caused by drugs and venereal disease.  
1494, psd 1749, 1759, enr 1799 (Chapter 242)
- HB 908** Re the authority of the Kearsarge lighting precinct.  
1495, Died 2584

See also Subject Index preceding this page



**HB 909** Authorizing a special town meeting of the town of Pittsfield with the authority of an annual town meeting.  
1495, psd 2011-2012, 2036, enr 2262 (Chapter 338)

**HB 910** Re protecting consumers in the sale of consumer goods.  
1675, am 2163-2164, psd 2188, H nonconc, conf 2272-2273, rep adop 2454-2455, 2487, enr 2502 (Chapter 568)

**HB 911** Prohibiting the use of outboard motors of more than six horsepower on the Merrymeeting River.  
1673, psd 1820, 1967, enr am 2184, 2203, enr 2274 (Chapter 357)

**HB 912** Conforming state pollution control statutes to the federal requirement.  
1708, am 2167, psd 2188, H nonconc, conf 2403-2404, rep adop 2536-2538, 2561, enr 2576 (Chapter 590)

**HB 913** Re the advertising of liquor and beverages.  
1664, IP 2215-2216

**HB 917** Re the revision of city charters.  
1495, LT 2050, am 2073-2075, psd 2100, H conc 2180, enr 2393 (Chapter 476)

**HB 919** Re the acquisition of a dam and water rights on the Winnepesaukee River by the water resources board.  
1707, LT 1983, Finance 1984, psd 2061, 2099, enr am 2431, 2441, enr 2444 (Chapter 539)

**HB 920** Re the taxation of railroads.  
1664, psd 1784, 1794, enr 2041 (Chapter 269)

**HB 922** Re resident hunting privileges, licensing nonresidents dragging in salt water and raising fish and game license fees.  
1707, psd 1981, 2009, enr 2225 (Chapter 348)

**HB 923** Enacting new salary grades for all classified and unclassified employees and establishing uniform overtime for classified employees.  
New title: Establishing an interim study committee to analyze the Arthur D. Little, Inc. recommendations concerning the state personnel system.  
1707, am 2221-2223, remarks 2249, psd 2286, H nonconc, conf 2403, rep adop 2462, 2487, enr am 2559-2560, enr 2561, com members appointed 2586 (Chapter 581)

**HB 928** Re the sale of fresh water fish raised outside of the state.  
1664, psd 1820, 1967, enr 2097 (Chapter 301)

**HB 930** To amend the Lebanon city charter, and to provide for election of Lebanon school district officers at city elections.  
1494, psd 2016, 2037, enr 2396 (Chapter 433)

**HB 932** Establishing civil actions and investigations for violation of the state anti-trust law.  
1676, am 2019, psd 2037, H conc 2181, enr 2396 (Chapter 434)

**HB 933** Re the possession of pistols and revolvers by convicted felons and eliminating the prohibition against aliens possessing the same.  
1676, psd 2018-2019, 2037, enr 2384 (Chapter 405)

**HB 934** Re the composition of the ballot law commission.  
1663, psd 2012, 2036, enr 2262 (Chapter 339)

**HB 935** To clarify certain forms of voter intimidation.  
1676, am 2218, psd 2286, H conc 2407, enr 2426 (Chapter 510)

**HB 936** Permitting an access on Route 28 in the town of Allenstown.  
1663, psd 1751, 1759, enr 1799 (Chapter 243)

- HB 937** Re abusive treatment of horses.  
1662, psd 1820-1821, 1968, enr 2097 (Chapter 302)
- HB 939** Re competitive bidding on purchases made by counties.  
1663, psd 2048, 2098, enr 2397 (Chapter 408)
- HB 940** Redistricting the city of Somersworth.  
1495, psd 2012, 2036, enr am 2445-2446, recon & LT 2485, enr am 2490, 2530, enr 2550 (Chapter 572)
- HB 941** Extending the appraisal period and the recapture of tax revenues under the current use assessment law.  
1663, psd 2049, 2098, enr 2397 (Chapter 409)
- HB 942** Re reassessment of taxable property.  
1663, K 2064
- HB 943** Authorizing the treatment and counseling of minors by professional health care personnel without requiring the consent of anyone other than the person who is receiving said health services.  
1675, Died 2584
- HB 947** Amending the definition of "charitable organizations" for conducting raffles.  
1663, psd 1774-1775, 1793, enr 2041 (Chapter 270)
- HB 948** Re dog training and permits issued therefor.  
1674, am 1821-1822, psd 1968, H conc 2107, enr 2397 (Chapter 410)
- HB 952** Permitting the town of Durham to revert to a calendar year accounting period and providing for an appropriate transitional budget.  
1494, psd 2015, 2037, enr 2384 (Chapter 406)
- HB 953** Permitting the town of Durham to issue five year bonds in lieu of collection of a portion of town taxes.  
1494, psd 2015, 2037, enr 2262 (Chapter 340)
- HB 955** Re the sale of liquor and alcoholic beverages by restaurant-cocktail lounges.  
1494-1495, psd 2064, 2099, enr am 2387-2388, 2405, enr 2419 (Chapter 489)
- HB 956** Providing that licensed physicians need not report family planning information given to minors.  
1675, Died 2584
- HB 958** Re the powers of executive committees of the county.  
1495, LT 2050, am 2075-2076, psd 2100, H conc 2181, enr 2397 (Chapter 411)
- HB 959** Re investment of funds by treasurers of municipalities, counties and school districts.  
1495, psd 2049-2050, 2098, enr am 2388, 2405, enr 2419 (Chapter 490)
- HB 960** Re interest rates allowable for credit buying.  
1686, K 2113
- HB 964** Re certain exemptions from filing plans and specifications of sewage disposal systems.  
1673, com changed 2035, psd 2217, 2286, enr 2419 (Chapter 494)
- HB 965** Requesting a rehearing before the zoning board of adjustment by the board of selectmen.  
1663, psd 2016, 2037, enr 2262 (Chapter 341)

See also Subject Index preceding this page

- HB 966** Re remedies and penalties for violations of laws re tidal waters.  
1662, psd 2032-2033, 2039, enr 2263 (Chapter 342)
- HB 967** Making it mandatory for the secured party to file a discharge statement under the uniform commercial code.  
1676, K 1976
- HB 970** Re the operation of motorboats on Big Pea Porridge Pond in the town of Madison.  
1673, study 2196
- HB 973** To amend the uniform commercial code with respect to the manner of transferring investment securities.  
1674, psd 1976-1977, 2008, enr 2182 (Chapter 314)
- HB 974** Re the high school equivalency examination.  
1662, K 2218-2219
- HB 975** Re the use of recording devices in superior and district courts.  
1494, am 2044-2055, psd 2098, H conc 2181, enr am 2409, 2413 (Chapter 536)
- HB 976** Re savings bank investments in mobile home loans.  
New title: Re savings bank investments in mobile home loans and motor home loans.  
1674, LT 2116, am 2124-2125, psd 2187, H conc 2264, enr 2398 (Chapter 456)
- HB 979** Establishing the Portsmouth Union School District and giving such district independent fiscal and appropriating powers.  
1495, psd 1748-1749, 1759, enr am 2109, 2203, enr 2274-2275 (Chapter 358)
- HB 981** Amending, in general, sections of the chapter on probation in the RSA.  
1686, LT 2018, study 2035
- HB 984** Re landlord-tenant relations.  
1494, SO 1976, LT 2028, IP 2259-2260
- HB 986** Re recovery of medical assistance from legally liable parties.  
1494, am 1988-1989, psd 2009, H conc 2181, enr 2398 (Chapter 412)
- HB 987** Re the alternate salary of special justices of district courts.  
1494, am 1810-1811, psd 1966, H conc 2180, enr 2398 (Chapter 413)
- HB 988** Establishing a third New Hampshire state song.  
1663, psd 1803-1804, 1966, enr 2097 (Chapter 303)
- HB 993** Re temporary, seasonal and part-time state employees.  
1675, psd 1787-1788, 1794, enr 2041 (Chapter 271)
- HB 1004** Increasing the limit on the amount of bonds which may be guaranteed by the state for water supply and pollution control projects.  
1686, psd 1972, 2008, enr 2182 (Chapter 315)
- HB 1008** Re the charter of the city of Dover.  
1674, Died 2584
- HB 1009** Authorizing the use of Reed Act funds.  
1685, psd 2025, 2038, enr 2384 (Chapter 407)
- HB 1015** Transferring and repealing existing criminal statutes as proposed by the recodification committee, and making technical amendments to statutes so that they conform to the criminal code.  
1686, am 1817-1819, psd 1967, H conc 2107, enr 2275 (Chapter 370)

**HB 1016** Which is an omnibus legalizing act legalizing certain town meetings of the towns of Andover, Conway, Hill, Lyndeborough, North Hampton, Pembroke, Sutton and New Durham and of the school districts of Marlow, Pembroke and Colebrook.

**New title:** Which is an omnibus legalizing act legalizing certain town meetings of the towns of Andover, Conway, Hill, Lyndeborough, North Hampton, Pembroke, Sutton and New Durham and of the school districts of Marlow, Pembroke and Colebrook and re the adoption of an optional fiscal year by Hillsborough county and validating certain proceedings of the Hillsborough county executive committee and Hillsborough county delegation.

1674-1675, LT 2051, psd 2054-2056, recon & am 2067-2069, psd 2099-2100, H conc 2180, enr 2398 (Chapter 414)

**HB 1017** Re hunting in special designated areas by certain disabled persons.  
1662-1663, psd 1821, 1968, enr am 2109, 2203, enr 2275 (Chapter 359)

**HB 1018** Abolishing certain classified and unclassified positions at the N.H. hospital, eliminating free maintenance for all authorized positions at the N.H. hospital and establishing new unclassified positions and salary ranges.

1707, psd 2024-2025, 2038, enr am 2304-2305, enr 2419, recalled & LT 2551, psd 2555-2556, enr am 2577-2578 (Chapter 594)

**HB 1020** To enable the director of the division of Public Health to have the option of designating an alternate to represent him on certain boards and commissions.

**New title:** To enable the director of the division of public health to have the option of designating an alternate to represent him on certain boards.

1675, am 1780, psd 1793, H conc 1969, enr am 2184, 2185-2186, enr 2275 (Chapter 366)

**HB 1021** Re establishing a noise abatement program.

1675, psd 2033, 2039, enr 2384, vetoed 2574-2575

**HB 1023** Providing that failure to comply with requirements for notice of, and holding of, a public hearing of the county budget shall constitute prima facie evidence of wilful neglect of duty.

1675, am 2191-2192, psd 2285, H conc 2407, enr 2426 (Chapter 511)

**HB 1027** Amending in general the workmen's compensation laws.

1708, LT 2047-2048, am 2167-2168, psd 2188, H conc 2264, enr 2393 (Chapter 481)

**HB 1028** Establishing the N.H. Transportation Authority, and making an appropriation therefor.

1706, Finance 2069, am 2193-2194, psd 2285, H nonconc, conf 2393, LT 2479-2480, rep adop 2502-2503, enr am 2559, enr 2561 (Chapter 582)

**HB 1035** Re corporations with only two shareholders.

1674, psd 2163, 2188, enr 2393 (Chapter 477)

**HB 1036** Providing for all federal enclaves in the state to be single districts for school purposes.

**New title:** Authorizing local school districts to assess tuition costs, if federal funds are not available, for pupils living on federally owned or leased property.

1674, am 2258-2259, psd 2287, H nonconc, conf 2401, rep adop 2440-2441, 2469, enr 2489 (Chapter 552)

**HB 1037** To provide for the repeal of the law tending to prohibit hitchhiking.

1673, LT 2062-2063, psd 2079-2080, 2100, recon notice 2101, Died 2584

**HB 1038** Providing for the inspection, licensing and regulation of carnival and amusement rides and creating a carnival-amusement safety board.

study, com members appointed 2586

- HB 1040** Classifying horse racing as an industry for purposes of zoning.  
1675, K 2257
- HB 1044** Re the purchase of handicapped-made products and services by the state  
1675, am 1803, psd 1966, H conc 2107, enr 2309 (Chapter 402)
- HB 1045** Permitting the city of Dover to draw water from the Isinglass River in the city of Rochester.  
1674, com changed 1730, psd 2124, 2187, enr 2393 (Chapter 478)
- HB 1047** Continuing the office space study committee.  
1674, psd 1971-1972, 2008, enr 2182, com members appointed 2586 (Chapter 316)
- HB 1051** Amending the charter of the city of Somersworth re abolishing the police commission, the appointment of the police chief and the composition of the school board.  
1673, psd 2013, 2036, enr am 2387, 2405, enr 2419 (Chapter 491)
- HB 1054** Amending the powers of the legislative facilities committee.  
intro & psd 2449-2450, enr 2489 (Chapter 375)

### HOUSE JOINT RESOLUTIONS

- HJR 2** Providing supplemental appropriation for department of agriculture, bureau of weights and measures and division of markets and standards.  
76-77, psd 96-98, 100, enr 106 (Chapter 4)
- HJR 4** Providing an appropriation for Old Fort Number Four.  
1497, psd 1752, 1759, enr 1800 (Chapter 236)
- HJR 5** Making an appropriation for the purchase and installation of an electronic roll call system for the House of Representatives.  
New title: Creating a special committee on an electronic roll call system for the house of representatives and making an appropriation for the purchase and installation thereof; and making an appropriation for the refurbishing and repair of the senate chamber and adjacent areas.  
1687, am 2053-2054, psd 2098, H nonconc, conf 2183, rep adop 2485-2486, 2562, enr 2576 (Chapter 592)
- HJR 6** Designating United States route no. 3 and Interstate 89 as part of the Blue Star Memorial highway system.  
204, psd 424, 441, enr 444 (Chapter 55)
- HJR 7** In favor of George T. Ellis of Concord.  
414, psd 743, 746, enr 805 (Chapter 94)
- HJR 8** Appropriating funds to the water resources board for an erosion control project in Charlestown.  
1127, Finance 1439-1440, psd 1754, 1760, enr 1800 (Chapter 237)
- HJR 10** Providing a special appropriation for the special board within the water resources board authority to decide matters relative to dredging, excavating, and filling.  
364, psd 646, 672, enr 705 (Chapter 85)
- HJR 11** Appropriating funds to the N.H. American Revolution Bicentennial Commission.  
1127, psd 1314, 1320, enr 1362 (Chapter 179)
- HJR 12** Appropriating funds to the towns of Pittsburg and Clarksville in lieu of taxes on Murphy Dam on Lake Francis.  
1662, psd 1788-1789, 1794, recon rej 1814, enr 2041 (Chapter 272)



- HJR 13** Making an appropriation to the N.H. Hospital auxiliary.  
391, psd 645, 672, enr 705 (Chapter 84)
- HJR 14** Re a supplemental appropriation for the board of nursing education and nurse registration.  
343, Finance 624-625, psd 807, 831, enr 917 (Chapter 101)
- HJR 15** Re fire and rescue services provided by the town of Allenstown at Bear Brook state park.  
803-804, psd 1522, 1537, enr 1540 (Chapter 208)
- HJR 20** Transferring certain accumulated income to the principal of the special teacher competence fund.  
256, psd 415, 441, enr 444 (Chapter 56)
- HJR 22** In favor of the North Conway fire department for rescue operations.  
585, Finance 774-775, psd 1008-1009, 1029, enr 1084 (Chapter 127)
- HJR 23** Making a deficiency appropriation for fiscal 1972 and an additional appropriation for fiscal 1973 for the N.H. retirement system.  
772, K 1338-1339
- HJR 25** Re an appropriation for Murphy House at the Laconia state school and training center.  
1127-1128, Finance 1200, psd 1381, 1406, enr 1498 (Chapter 188)
- HJR 30** Re the purchase of a fire truck for the city of Concord and making an appropriation therefor.  
New title: Re the purchase of fire trucks for the city of Concord and Keene and making an appropriation therefor.  
1687, am 1973-1974, psd 2008, H nonconc, conf 2104, rep adop 2389, 2406, enr 2426 (pocket vetoed)
- HJR 32** Establishing an interim study committee to study an administrative procedure act and draft a legislative proposal and making an appropriation therefor.  
1662, Finance 1823-1824, psd 2155-2156, 2188, enr 2393 (Chapter 479)
- HJR 37** Providing for 1975 World Cup Championship at Cannon Mountain.  
New title: Providing for 1975 World Cup Championship at Cannon Mountain and making an appropriation therefor; making an appropriation for the city of Manchester for promotion of Babe Ruth World Series; and making an appropriation to reimburse Judith Cabanel for damage to clothing.  
1688, Finance 2064-2065, am 2232-2233, psd 2286, H conc 2406, enr 2427 (Chapter 517)
- HJR 42** Re the marine boundary between Maine and New Hampshire.  
528, LT 528-530, psd 547-551, 554, enr 556 (Chapter 58)
- HJR 43** Re retirement credits for Clarence W. Metcalf, Floris H. Lanigan, Kenneth Lewis, Francis J. Donahue, John P. McGee and Willis S. Low.  
New title: Re retirement credits for Clarence W. Metcalf, Floris H. Lanigan, Kenneth Lewis, Francis J. Donahue, John P. McGee, Willis S. Low, Thomas A. Bolton and Lawrence E. Marchand.  
1688, am 1801-1803, psd 1966, H conc 2097, enr 2127 (Chapter 255)
- HJR 44** Establishing a committee to study and report on the current program and future needs of the water supply and pollution control commission.  
1662, psd 2032, 2039, enr 2225, com members appointed 2586 (Chapter 334)
- HJR 45** Extending the special committee to study the effectiveness of the laws re access to and use of public buildings by the physically handicapped.  
1411, psd 1777, 1793, enr 2041, com members appointed 2586-2587 (Chapter 273)

See also Subject Index preceding this page

**HJR 47** Providing for a legislative committee to study the means of implementing a furlough system at the N.H. state prison.

New title: Providing for a legislative committee to study the means of implementing a furlough system at the N.H. State Prison and providing for indemnification of state prison personnel in connection with claims by inmates.

1676, rcmt 1778, am 2165-2166, psd 2188, H nonconc, conf 2273-2274, rep adop 2418-2419, 2428, enr 2477 (Chapter 548)

**HJR 48** Establishing a study committee on the problems of unemployed citizens in New Hampshire.

1676, psd 1778, 1793, enr 2039, com members appointed 2587 (Chapter 279)

**HJR 49** To create an interim study committee to study the need, form and content of a uniform probate code and to draft legislation, if need be.

1676, psd 1775, 1793, enr 2040, com members appointed 2587 (Chapter 280)

### HOUSE CONCURRENT RESOLUTIONS

**HCR 2** Inviting Chief Justice Kenison to address a Joint Convention on the state of the Judiciary.

intro & adop 32

**HCR 3** Memorializing the congress of the U.S. to enact legislation setting February 1, 1955 as the starting date of the Vietnam Conflict in order to give recognition to all who served in the Vietnam theatre of war.

287, adop 545, 554

**HCR 4** To authorize the responsible officers of the general court to pay employees and attaches who worked from December 27, 1972, to January 2, 1973.

intro & adop 32

**HCR 6** To petition the Congress of the U.S. of America to call a convention to propose an amendment to the Constitution of the U.S. permitting voluntary prayer in public schools.

414, am & adop 810-814, recon notice 832, rcmt 865-868, am & adop (RC) 1399-1404, H conc 1489

**HCR 10** Re commending President Richard M. Nixon for his successful effort in bringing the Vietnam war to an end.

287, SO 745, adop 825-829

**HCR 11** Opposing national no-fault insurance legislation.

364, adop 683-685

**HCR 13** Memorializing the Congress of the United States not to rebuild North Vietnam.

1043, K 1226-1231

**HCR 14** Honoring prisoners of war.

705 (Died)

**HCR 15** Re the Isaac Hill mansion.

1043, adop 1231-1232

**HCR 16** Congratulating UNH on the occasion of its fiftieth anniversary.

adop 957-958

**HCR 17** Memorializing Congress to provide for the transfer of Old Ironsides to the Portsmouth Naval Shipyard.

1043, conf 1084, adop 2195-2196

**HCR 18** Memorializing congress on the devastating effect on the state of New Hampshire of U.S. Public Law # 92-603, re Title 19 of the Social Services Act.

1497-1498, adop 1984-1985

**HCR 20** Re including Sandwich Notch in the White Mountain National Forest.

1497, adop 1751-1752

## CONSTITUTIONAL AMENDMENT CONCURRENT RESOLUTIONS

**CACR 5** Appropriations for state agencies. Providing that: a two-thirds vote of each house shall be required to approve a biennial appropriation for any agency which exceeds by more than 10% the appropriation for the preceding biennium. (Nixon)

32, SO 149-154, 1P 189-199

**CACR 7** The number of jurors required in all jury cases in the superior court and the kind of verdicts required to prevail. Providing that: at the superior court level, jury verdicts shall in criminal cases require a unanimous verdict and in civil cases, a nine to twelve verdict. (Nixon)

New title: The number of jurors required in civil cases in the superior court and the kind of verdicts required to prevail. Providing that: at the superior court level, jury verdicts in civil cases require at least a nine out of twelve verdict.

32, psd 111-113, recon & SO 115, rcmt 119-120, am 158-164, psd 167 (H nonconc)

**CACR 10** Removing the deadline date on paying legislative mileage. Providing that: the first day of July be repealed.

65, psd 146-149, 156, enr 205

**CACR 11** Voting age. Providing that: eighteen year olds may vote.

65, psd 241-242, (RC) 255, enr 270

**CACR 12** Jury trial in civil causes. Providing that: the supreme court by rule of court shall determine the value in controversy for the right of trial by jury in civil causes.

65, rcmt 242-246, SO 275-278, rcmt 321-329, am 984-985, psd 994, H nonconc, conf 1083-1084, H nonconc 1413, Died 2584

**CACR 21** The origination of revenue-raising bills. Providing that: either the house or the senate may originate revenue-raising bills. (Spanos)

135, psd 250-252, 255 (H nonconc)

**CACR 22** Establishing a four-year term for governor. Providing that: the governor shall be elected every four years on the non-presidential election years, and no person shall serve more than two terms consecutively. (Spanos)

174, psd 513-514, 520 (H nonconc)

**CACR 23** Increasing the membership of the Senate, changing Senate quorum requirements, and providing for apportionment. Providing that: the membership of the Senate shall be increased to thirty-six, changing Senate quorum requirements, and providing for apportionment. (Spanos)

211, con con 1657-1658

**CACR 32** Decreasing the age requirement for members of the Senate. Providing that: the age requirement for members of the Senate is decreased from thirty to twenty-five years of age. (Bossie & Blaisdell)

614, JC 1178-1181

**CACR 33** Special sessions of the general court. Providing that: a majority of the members of the general court may call a special session of the general court.

intro & psd 1657, enr 1676 (K)

**CACR 34** The power of the state to tax. Providing that: the legislature be allowed to impose taxes that are not proportional. (Spanos)

674, con con 1362

**CACR 35** Line item veto and legislative mileage for additional deliberation after such line item veto. Providing that: separate items in an appropriation bill may be vetoed or reduced by the governor and that legislative mileage shall be paid for attendance in consideration of such veto. (Spanos)

1410, Died 2584

See also Subject Index preceding this page











